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SPECIAL SENATE INVESTIGATION ON CHARGES
AND COUNTERCHARGES INVOLVING: SECRETARY OF THE ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN, AND FRANCIS P. CARR

HEARING
BEFORE THE
SPECIAL SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE ON
GOVERNMENT OPERATIONS
UNITED STATES SENATE
EIGHTY-THIRD CONGRESS
SECOND SESSION
PURSUANT TO
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WEDNESDAY, JUNE 2, 1954

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS OF
THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

AFTER RECESS

The hearing was resumed at 2:10 p. m., pursuant to recess.

Present: Senator Karl E. Mundt, Republican, South Dakota, chairman; Senator Everett McKinley Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator Henry C. Dworshak, Republican, Idaho; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; and Senator Stuart Symington, Democrat, Missouri.

Also present: Ray H. Jenkins, chief counsel to the subcommittee; Thomas R. Prewitt, assistant counsel; Charles Maner, assistant counsel.

Principal participants present: Senator Joseph R. McCarthy, a United States Senator from the State of Wisconsin; Roy M. Cohn, chief counsel to the subcommittee; Joseph N. Welch, special counsel for the Army; and James D. St. Clair, special counsel for the Army.

Senator MUNDT. The committee will please come to order.

The Chair would like to call the committee to order and begin by welcoming our guests, who appear to be here in unusually large numbers this afternoon, and to tell you that we welcome you as committee guests at these hearings, and to call your attention to the standing committee rule with which I am sure many of you are familiar, but those who are here for the first time may not know about it. We have a standing committee rule forbidding any manifestations of approval or disapproval of an audible nature from any members of the audience at any time, and the uniformed officers whom you see before you and the plainclothes people seated in the audience have instructions from the committee to remove from the committee room immediately, firmly but politely, without further instructions from the Chair, any of our guests who, for reasons best known to them, elect to violate the conditions under which they entered the room as our guests.

Our audiences have been magnificent and uniformly courteous. We expect them to maintain that fine standard of decorum.

As the meeting was recessed this morning, we had concluded a 10-minute go-around as far as the Chairman, Senator McClellan, Senator Dirksen, and Senator Jackson were concerned, and Senator Potter is the next Senator to be recognized by the Chair for 10 minutes of questioning.

Senator Potter?

Senator McCARTHY. Mr. Chairman, could I answer now a question which was raised by Senator Jackson this morning? I couldn't answer it then. He asked the question whether or not we had people on the committee who were not being paid. I can tell him now that the only person working on the committee who is not on the committee payroll is a Mr. Ernie Abelson, who is on my personal payroll, working on the committee. The reason for that is because the budget of the committee will not allow the additional individual, and we felt he was necessary as an investigator.

Senator JACKSON. My question, Senator, related to a rumor or a matter that had been called to my attention, that there had been individuals who were not either on your office payroll or on the staff of the committee as employees. I want to get it clarified. Do I now understand that the only ones working on investigations for the committee, for the staff, are those who are regularly appointed and on the payroll, plus this one individual from your staff?

Senator McCARTHY. That is correct.

Senator JACKSON. There are no others?

Senator McCARTHY. May I say, Senator Jackson, it is a perfectly proper query on your part. I don't question it at all. The only individual working full-time for the committee is Mr. Abelson, who is on my personal payroll. My office staff obviously, of course, works with this.

Senator JACKSON. Are there any part-time—

Senator McCARTHY. No part-time people. That is correct, isn't it, Roy?

Mr. COHN. As far as I know, sir.

Senator MUNDT. That colloquy having been concluded and the Senate bell sounding the alarm for a rollcall, we will stand in recess for 10 minutes while we answer the rollcall, and then we will revert to Senator Potter.

(Brief recess.)

Senator MUNDT. The committee will come to order.

Just having concluded two rollcall votes in the Senate, it appears we will have some time now, at least, for committee sessions before there is another vote. We will start in, this time, again with Senator Potter, who is the first man in line to ask questions for 10 minutes.

You can catch your breath, Charlie.

Senator POTTER. Mr. Chairman.

Mr. Cohn, you worked in the executive branch of the Government prior to coming with this committee, which is a part or arm of the legislative branch of our Government.

Mr. COHN. Yes, sir.

Senator POTTER. Do you agree with me that the Communists would do everything possible to endeavor to infiltrate our Government service?

Mr. COHN. I do, sir.

Senator POTTER. Do you agree with me that even 1 Communist, or a subversive, in our Government is 1 too many?

Mr. COHN. I do, sir.

Senator POTTER. Do you also agree with me that there is no monopoly on hating communism?

Mr. COHN. I do, sir.

Senator POTTER. And do you agree with me that the President of the United States, who has performed a great heroic service for his country——

Mr. COHN. I am sure he has.

Senator POTTER. Is as opposed to communism as you or I?

Mr. COHN. I am sure of it, sir.

Senator POTTER. And that he would do everything possible to rid the Government service of a Communist that would come to his attention in the Government service?

Mr. COHN. Yes, sir.

Senator POTTER. And that other members of the executive branch of Government, including Mr. Brownell, our Attorney General, have never been known as being Commie coddlers; is that correct?

Mr. COHN. I am sure of it, sir.

Senator POTTER. And that the Secretary of the Army, Mr. Stevens, also has and is opposed to Communists in Government?

Mr. COHN. I am sure he is.

Senator POTTER. The reason I am asking these questions is that I have had, and I assume that other members of the committee have had, many letters and inquiries from people who believe that the Government is honeycombed with Communists and security risks. With your vast experience both in the executive branch of Government working in this field and as chief counsel of this committee, I would like to have your comment as to the extent of Communist influence in our Government.

Mr. COHN. Yes, sir. It can only, of course, Senator Potter, be a comment, because I don't know all of the facts.

Senator POTTER. That is right, within your knowledge.

Mr. COHN. I would say this, sir, as you very correctly stated, one of the principal objectives of the Communist conspiracy in this country and every country throughout the world, is infiltration of government, the military.

Senator POTTER. I am sorry, I didn't——

Mr. COHN. I said you were very correct before when you stated that one of the principal objectives of the Communist conspiracy in this country as well as throughout the world is the infiltration of the governments, of the free governments, of the world. They try to bring about the downfall of those governments from within. They try to get people in there to commit acts of espionage and sabotage within, in times of peace, and in times of war or revolution they try to use those people in government to help bring about the downfall of the free government and bring about a dictatorship of the proletariat under the world Communist conspiracy.

Now, sir, on the extent of this Communist infiltration, during the 1930's and 1940's, the Communist Party of the United States was, I would say, remarkably and unbelievably successful in placing Communists in a number of key spots in our Government. I would say

that probably if you want to look at it from the standpoint of numbers, the numbers might not be of the staggering variety. But, sir, you made another point which is a key to this. You said one is too many.

One is too many. I think Stalin or Lenin, one of the top Communist theoreticians, once said it takes—something to the effect that it takes a thousand people to build a bridge; it takes one person to blow it up.

Senator POTTER. In other words, what you are saying is that both branches of the Government should be ever vigilant on this question of communism?

Mr. COHN. They have to be, sir, because the Communists will be ever vigilant in trying to infiltrate. They will not give up. They will always keep working to get their people into various Government agencies and defense plants.

Senator POTTER. Let me ask you this question: Isn't it true under our present Selective Service Act that there is no provision for dealing with Communists insofar as implementing the work is concerned? In other words, it is not a basis of exemption because a person belongs to the Communist Party, is that correct?

Mr. COHN. No, sir. I would say unless there has been a felony conviction under the Smith Act, it is a problem under the present law for the Army rather than for the Selective Service System.

Senator POTTER. Would you agree with my contention that a man who advocates the overthrow of our Government by force and violence and who refuses, either by using the fifth amendment or refuses to answer that statement at the time he is to be drafted, that that man is not fit to wear the uniform of his country?

Mr. COHN. Yes, sir; I do.

Senator POTTER. I have contended that I think it is a problem that Congress will have to deal with and establish the policy that a person who belongs to the Communist Party is not fit to wear the uniform. We should have a separate classification so that wherever he goes, when he has to present his credentials of draft status, that that man will be known as a man who is not fit to wear the uniform because he is disloyal to his country.

Mr. COHN. Yes, sir.

Senator POTTER. I have no further questions.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. Mr. Chairman, first could I ask if the committee has yet got the Schine memos?

Mr. COHN. Yes, sir. I might say, Mr. Chairman, during the lunch hour I met with the minority counsel, Mr. Kennedy, and Mr. Charles Maner, of Mr. Jenkins' staff, at which time I displayed to both of them the files and memos and everything else. There are some problems in connection with them. I don't think there are too many. We thought of this suggestion. Maybe it was my idea. In any event, I will make it mine now, sir—

Senator SYMINGTON. Mr. Chairman, with all due respect to Mr. Cohn, in order to save my time, can he answer without taking all my time, inasmuch as this is a committee matter?

Senator MUNDT. That is perfectly all right. Time out.

Senator SYMINGTON. Thank you.

Mr. COHN. All I can say, sir, is that we all thought—I will take full responsibility for it, though—if there could be an executive session meeting of the committee, of the regular subcommittee, we would bring in everything we have and we could just make a decision on what should be done right then and there.

I think that would settle the problem pretty quickly.

Senator JACKSON. Mr. Chairman, might I inquire, didn't we have the files yesterday? I am wondering what progress—they were all out in a box here.

Mr. COHN. Yes, sir.

Senator JACKSON. I thought we were supposed to have arranged by now that which was to be deleted. I don't understand.

Mr. COHN. Sir, there are 2 or 3 problems. Do you want me to go into that, sir?

Senator MUNDT. I think he should. I don't know what the problems are, either. What are the problems?

Senator JACKSON. We had the files here yesterday, and then the files were displayed again today. What is the progress?

Mr. COHN. The progress, first of all, Senator Jackson, is that we have had people going through the files and tabbing things done by Dave Schine, and also trying to tab things which reveal the names of confidential informants. Problems arise to this effect: The first question is how much of this material should be seen by Mr. Welch or counsel for Mr. Stevens and Mr. Adams. That question was asked by Mr. Kennedy. I think it is a good one. I don't know the answer to it.

Another question is: Just what do we do with the information which comes from confidential informants? Do we put that in a special box or file or category or inventory saying how many pieces of paper there are, and is that to become a part of the public record or merely to be available for inspection by members of the committee, with or without Mr. Welch?

We talked it over for a while. We had the files right there. We looked at some of them. I think we all came to the conclusion that if there could be an executive session of the committee and bring the material there so we would have before us just what we were talking about, the problem could be disposed of without wasting time in public session.

Senator JACKSON. Mr. Chairman, might I suggest this: Suppose now that the box of papers or files be turned over to you as chairman and be held until the committee has a chance to go through the various items, and then we dispose of it. Otherwise, it is hanging fire, and we are just delaying our proceedings here, and it is going to take us that much longer to ask questions later.

Mr. COHN. No objection, sir.

Senator MUNDT. It will be understood, then, that the box of material insofar as it has been removed from the files up to date will be turned over to Counsel Jenkins for his custody, under my direction, until we can have an executive meeting of the committee.

Mr. JENKINS. Mr. Chairman.

Senator JACKSON. Can any member of the committee—

Senator MUNDT. Mr. Jenkins.

Mr. JENKINS. It is my understanding that they were to be turned over to the chairman of the committee rather than to me.

Senator MUNDT. Very well. He can turn them over to me.

Mr. COHN. Very well, sir.

Senator MUNDT. I will deputize you to protect them.

Senator McClellan.

Senator McCLELLAN. A parliamentary inquiry, Mr. Chairman. I want to know if those files are being turned over now for the inspection of members of this committee.

Senator MUNDT. The Chair would assume that anything turned over to him as he said previously—

Senator McCLELLAN. I don't want an assumption. I want to know.

Senator MUNDT. Very well. The Chair will say, as he has said previously, and he reiterates now, anything turned over to him as information for this committee is available to any of the 7 members of the committee or to the 5 regularly appointed members of the staff.

Senator McCARTHY. Mr. Chairman, so there is no misunderstanding—

Senator MUNDT. Senator McCarthy.

Senator McCARTHY. I will want to see what material is being turned over because the subpoena has been served on me. I will certainly turn over everything to the committee which has to do with Dave Schine and anything else this committee properly should have. I have requested that the minority counsel, Mr. Kennedy, a member of the committee staff, and a member of my staff go through the material and try to weed out what is not pertinent to this investigation. I don't know what progress they have made. May I say that I will want to see what is being turned over.

As I went through the material the other day I found personal letters to me, personal letters referring to other Senators which I would not want to make part of the public record without the Senator's permission.

So the material which would be made available is not all that is in that box. I would like to have Mr. Kennedy present. There is no question—if you can arrange that, Bob.

Senator MUNDT. All the Chair can say is that nothing has been turned over to him yet, but when it comes it is available to all the members of our committee.

Senator McCARTHY. Could I ask this: Mr. Kennedy, could you be available at 5 o'clock when we get through here, and you and I and Mr. Cohn and someone from Mr. Jenkins' staff once and for all can weed out the material and have it ready for tomorrow morning. Would you be available?

Senator MUNDT. Tom Prewitt will be available to join that quartet.

Senator McCARTHY. I will be available at 5 o'clock.

Senator MUNDT. Very well.

Senator McClellan, when the Chair gets anything it will be made available to other members of the committee.

Senator McCLELLAN. I don't mean only that, Mr. Chairman. I may decide that all hasn't been submitted that should be. I am not conceding now that everything is in that file that should be in it. I am certainly not going to risk the judgment of any one member or any one person necessarily to say what this committee shall see and what

it shall not see. I want that made very clear at this time, Mr. Chairman.

Senator MUNDT. The Chair thinks it perfectly appropriate, Senator McClellan, for you to join that quartet at 5 o'clock and satisfy yourself.

Senator McCARTHY. I would be more than happy to have Senator McClellan with us to go through this. Can you arrange that, John, to be with us?

Senator McCLELLAN. I think so.

Senator MUNDT. Very good. That settles that.

Senator SYMINGTON, the clock is running against you. You have 10 minutes.

Senator SYMINGTON. Thank you, Mr. Chairman.

Mr. Cohn, I think you and I are in complete agreement about the dangers of communism.

Mr. COHN. Yes, sir.

Senator SYMINGTON. You have spent a lot of time trying to build up America against it, and so have I. We may differ, however, on the best approach to it. I want to discuss a little bit more this question of classified data.

Mr. COHN. Yes, sir.

Senator SYMINGTON. I want to ask a few questions.

Do you believe it is important to maintain discipline in our armed forces to have an effective fighting force against these threats of Communist aggression?

Mr. COHN. Yes, sir.

Senator SYMINGTON. Discipline in the Army requires that one obeys the orders of a superior officer, does it not?

Mr. COHN. Yes, sir.

Senator SYMINGTON. And you may have to obey orders even though you may disagree with them, is that correct?

Mr. COHN. Yes, sir.

Senator SYMINGTON. You agree with me, don't you, that it would not be able to fight a battle if everyone could do what he wanted in spite of his orders?

Mr. COHN. Yes, sir.

Senator SYMINGTON. Now, I want to read you, Mr. Cohn, a quotation from the New York Times of May 13, reporting on the press conference on May 12, of the President of the United States, and I quote,

The soul of an army, the soul of a defensive force, was the certainty that everybody responded to the laws of the land, and to the order of the superiors, all the way up to the Commander in Chief. Assume otherwise, and how would you fight a battle?

Continuing the quote:

He would give an order to you people as division commanders or something of that nature, to carry out your part of the battle, and you decide that that isn't the thing to do. Well, whenever we got to adopting that theory in the military or in our civilian organization, we had better disband.

Do you agree with that statement of the President?

Mr. COHN. Certainly, sir.

Senator SYMINGTON. Now, the President was the supreme commander of the Allied forces in the European theater in World War II, was he not?

Mr. COHN. Yes, sir.

Senator SYMINGTON. Well, we both know he did a good job, right?

Mr. COHN. Of course.

Senator SYMINGTON. He is now Commander in Chief of the Armed Forces?

Mr. COHN. Yes, sir.

Senator SYMINGTON. So an order given by him is an order from the highest officer in the Army, isn't it?

Mr. COHN. Yes, sir.

Senator SYMINGTON. Now, I want to read you a portion of Executive Order 10501, entitled "Safeguarding Official Information in the Interest of the Defense of the United States," and this order became effective on December 15, 1953. [Reading:]

dissemination outside the executive branch. Classified defense information shall not be disseminated outside the executive branch except under conditions and through channels authorized by the head of the disseminating department or agency, even though the person or agency to which dissemination of such information is proposed to be made may have been solely or partly responsible for its production.

That is an order from the present Commander in Chief of the Armed Forces, is it not?

Mr. COHN. Yes, sir, if you say so.

Senator SYMINGTON. Do you think that the members of the Armed Forces should obey that order?

Mr. COHN. Yes, sir.

Senator SYMINGTON. You said this morning that you felt you were always subject to the laws of the United States.

Mr. COHN. Yes, sir.

Senator SYMINGTON. I assume you agree with me that all members of the Armed Forces are also subject to the laws of the country, are they not?

Mr. COHN. Yes, sir.

Senator SYMINGTON. Now, I want to read you section 4 (a) of the universal military training statutes:

No member of the Armed Forces shall be restricted or prevented from communicating directly or indirectly with any Member or Members of Congress concerning any subject, unless such communication is in violation of law or in violation of regulations necessary to the security and safety of the United States.

That is the end of the quote. Now, Mr. Cohn, in view of that statute, and in view of the Executive order I read, do you believe that an officer or enlisted man who disseminated classified information outside of the executive branch in violation of security regulations, necessary to the security and safety of the United States, should be subjected to disciplinary action?

Mr. COHN. Sir, it depends on the circumstances of the dissemination and to whom the material is disseminated.

Senator SYMINGTON. Well, now, if you will amplify that for us with respect to the document that I think we both know we are considering.

Mr. COHN. Do you mean this two and a quarter page—

Senator SYMINGTON. The two and a quarter page memorandum purported to have been signed by Mr. Hoover.

Mr. COHN. In that case, the officer was giving to the senatorial committee which has the obligation under law of investigating mishandling, and laxity, and failure to act on the part of the executive; he

was giving to the chairman of that committee, information, demonstrating an important case where the executive had failed to take action despite a 3-year lapse of time. I assume he did that in accordance with his oath to defend this Nation against all enemies, foreign and domestic, and in accordance with his conscience.

Senator SYMINGTON. Do you know why, when he delivered the letter, he changed the "To-From," to "Dear General" and "Sincerely yours"?

Mr. COHN. No, sir. What I think he was doing was conveying to us the fact—conveying to Senator McCarthy the fact—that there was a situation in the executive, a serious situation, which had not been attended to over the years, despite frequent FBI warnings, and he was calling it to the attention of the chairman of the congressional committee which has the responsibility for exposing and correcting the failure of the Executive to act in situations such as that.

Senator SYMINGTON. My memory is a little hazy, but the letter is 1951, and was delivered in the spring of 1953; is that right, to the committee chairman?

Mr. COHN. Yes, sir.

Senator SYMINGTON. Mr. Chairman, I think I have no further questions on that.

Senator MUNDT. Senator Dworshak?

Senator DWORSHAK. No questions.

Senator MUNDT. I don't see Senator McCarthy. I take it you don't want to ask any questions of yourself, Mr. Cohn, so we will go to Mr. Welch.

Mr. COHN. Yes, sir.

Mr. WELCH. Mr. Cohn, when we finished this morning, or when we were stopped this morning I was about to ask you this question: Do I understand your position to be today that if Mr. Schine had gone over and got his uniform and his commission in July of 1953, that there still would have been the collision between the Senator and the Army?

Mr. COHN. I will put it to you this way, sir; the collision between the Senator and the Army was not caused because of the Schine matter.

Mr. WELCH. Then you can go right along with me, can't you?

Mr. COHN. Well, I suppose—

Mr. WELCH. If Mr. Schine had got his commission on that hot July day, and had come back proudly wearing it—you follow me?

Mr. COHN. Yes, sir.

Mr. WELCH. You would still be of the opinion today that the collision between you and the Army would have happened?

Mr. COHN. Well, sir, I say if it were not that thing, it probably would have been some other thing, which the people who are behind this would have used, yes.

Mr. WELCH. Do you mean to say, Mr. Cohn, that if there never had been any Mr. Schine, you, today, would have sat there and I, today, would have sat there?

Mr. COHN. I can't tell you that, sir.

Mr. WELCH. You don't for one moment think that is even credible, do you?

Mr. COHN. Yes, I do, sir.

Mr. WELCH. You think had there been no Schine in the world, you and I were just destined by fate to meet in this room, with me asking the questions and you making the answers?

Mr. COHN. No, sir. I——

Mr. WELCH. Then the answer is no, sir?

Mr. COHN. No, Mr. Welch. It is a little difficult for me to answer your questions.

Mr. WELCH. Well, I hate to make them difficult for you, but that is what you seem to be telling me. Once again, had there been no Mr. Schine ever in the world, you and I—you were destined to have your collision with the Army, and I was destined to ask you these questions; is that right, sir?

Mr. COHN. No, sir.

Mr. WELCH. That is silly, isn't it? That is silly to say that, isn't it?

Mr. COHN. What is that, sir?

Mr. WELCH. That you and I would have met in this room if there never had been any Mr. Schine?

Mr. COHN. I don't know, sir.

Mr. WELCH. Don't you know we couldn't have possibly met in this room except for that man?

Mr. COHN. I think we could have, sir.

Mr. WELCH. With me asking these questions and you making these answers?

Mr. COHN. Yes, sir.

Mr. WELCH. Well, Mr. Cohn, do you remember the day on which Dave Schine went over, as he put it, to hold up his hand and get his commission?

Mr. COHN. Who put it that way, sir?

Mr. WELCH. Sir?

Mr. COHN. Did you say Mr. Schine said he said that?

Mr. WELCH. No, it has been testified to in this room by General Reber when he said, "May I come over and hold up my hand?"

Mr. COHN. No, sir; I didn't understand that General Reber said any such statement had been made to him.

Mr. WELCH. Well, in any event, were you aware of a day when Mr. Schine, let us say, took a taxi or some other equipage, and went over to the Pentagon to be sworn in?

Mr. COHN. No, sir.

Mr. WELCH. Did he ever tell you, "I am going over there and I hope I am going to come back with my commission"?

Mr. COHN. No, sir.

Mr. WELCH. Did you ever know that he went over there and applied for one?

Mr. COHN. Yes, sir.

Mr. WELCH. Did he tell you he was going?

Mr. COHN. I don't know whether he did or not. I know he went, sir. He may very well have told me before he was going.

Mr. WELCH. There was nothing wrong with that.

Mr. COHN. There was nothing wrong with it.

Mr. WELCH. Were you working very closely with him then?

Mr. COHN. Yes, sir.

Mr. WELCH. If he was going to take as much as an hour off and go get his commission, you would be apt to know it, wouldn't you?

Mr. COHN. I might or might not.

Mr. WELCH. Now, Mr. Cohn, suppose he had come back on that day, probably wearing that uniform, did you have a plan to finish his work for the committee?

Mr. COHN. I don't think it could have happened that way, sir.

Mr. WELCH. Suppose it had. You wanted him to have a commission in July of 1953; did you not?

Mr. COHN. Sir, I believe the way it worked is, he would not have come back wearing his uniform that day, sir.

Mr. WELCH. He went over, so the testimony is, as I understand the testimony, saying, "May I come over and hold up my hand?" Did you hear that in this room?

Mr. COHN. That is one side of the story.

Mr. WELCH. You heard that testimony?

Mr. COHN. I heard somebody say he heard somebody else say that. I never heard the person.

Mr. WELCH. Just suppose, Mr. Cohn, that he had succeeded in going over and holding up his hand and coming back commissioned. Do you follow me?

Mr. COHN. Yes, sir, I do.

Mr. WELCH. Did you then have a plan for Mr. Schine to finish his work with the committee?

Mr. COHN. It couldn't have happened that way, sir.

Mr. WELCH. I didn't ask you whether it could have happened. When you were trying to get him a commission in July, did you have a plan for Schine to finish his work with the committee?

Mr. COHN. There was no plan. It would depend—

Mr. WELCH. No plan at all; is that right?

Mr. COHN. I hadn't quite finished, Mr. Welch.

Mr. WELCH. Had you a plan or not?

Mr. COHN. I was trying to tell you, sir, it would have depended on when he was going in.

Mr. WELCH. All right. How much time were you allotting to the job of finishing up Schine's work with the committee?

Mr. COHN. I made no allotment, sir.

Mr. WELCH. How much time—didn't you think about it?

Mr. COHN. I can't say that I did, sir.

Mr. WELCH. You knew he was going to be drafted, didn't you?

Mr. COHN. Yes, sir.

Mr. WELCH. And you had to think about it?

Mr. COHN. To an extent, sir; yes, sir.

Mr. WELCH. You had to think about it completely, did you not?

Mr. COHN. No, sir.

Mr. WELCH. By the way, were you his boss, or somebody else?

Mr. COHN. Mr. Welch, as I tried to explain what the setup down in the committee is, I don't think anybody has a boss except the chairman of the committee.

Mr. WELCH. Does everybody just romp around on their own?

Mr. COHN. Sir, that might be amusing, but the boys down there, as I have explained, don't romp around.

Mr. WELCH. I don't mean to be amusing. Who gave Schine orders? Anybody?

Mr. COHN. Sir, I would like to answer your question.

Mr. WELCH. Just tell me who gave Schine orders. That will be an answer.

Mr. COHN. No, sir, I would still——

Mr. WELCH. Won't you answer that question? Who gave Schine orders?

Mr. COHN. Sir, before I do that, may——

Mr. WELCH. I don't care what you do before. You can do it afterward. Tell me now, please, who gave Schine his orders?

Mr. COHN. Mr. Chairman, may I——

Mr. WELCH. Who gave them?

Mr. COHN. May I answer? I think it was three questions back I was in the middle of an answer.

Mr. WELCH. I will waive any question that is three questions back, and now ask you who gave Schine his orders?

Senator MUNDT. Will you respond to the question that is now before you? Who gave Schine his orders?

Mr. COHN. Mr. Chairman, may I answer? Mr. Welch asked a question that deserves an answer, because I think it casts a reflection on the people who work on the staff of this committee.

Mr. WELCH. I mean to cast no reflection on anybody, Mr. Cohn. I am trying to get from you the simple proposition: Who gave Schine his orders? Will you tell me, sir.

Mr. COHN. Mr. Chairman, I want to give Mr. Welch all the "yes" and "no" answers I can.

Mr. WELCH. This isn't a "yes" or "no." This calls for a name. What is the name of the guy who gave Schine his orders?

Mr. COHN. Sir, to save time, I would like in fairness to complete the answers to Mr. Welch's questions before he cuts in and starts with another.

Mr. WELCH. All right, if you have some question hanging back there, let's have it read, or tell me what it was about, and I will ask it over again? What was it?

Mr. COHN. As I recall it, sir, the one which I wanted to answer was a statement by you that people go romping around down there.

Mr. WELCH. I ask that again: Do people make up their own minds as to what they are going to do, or do you have some direction in that committee?

Mr. COHN. The way I am going to answer, sir, is by telling you what happens down in that committee.

Mr. WELCH. I don't care what happens. I want to know who gives the orders. Who gives them? Does anybody give them?

Mr. COHN. Mr. Welch, I would be happy to explain——

Mr. WELCH. I am trying to find out, Senator. Do you give them, Senator? I just want to know who gives the orders.

Mr. COHN. That is all right, Senator.

Senator MUNDT. Mr. Welch has his 10 minutes. He can use it any way he wants to, I presume. Go ahead, Mr. Welch.

Mr. WELCH. Have you just heard over your shoulder who gives the orders? I just saw Mr. Juliana talk to you.

Mr. COHN. All he said to me—I don't think you want me to repeat what he said.

Mr. WELCH. Did he tell you who gave the orders?

Mr. COHN. No, sir, he did not tell me who gave the orders.

Mr. WELCH. Mr. Cohn, let's each lean back in our chairs as far as the microphones permit and start all over again.

Mr. COHN. Yes, sir.

Mr. WELCH. I am now going to direct my remarks to a man named G. David Schine. On the first day that he turned up to work for this committee, who gave him his orders?

Mr. COHN. Sir, before you do that—I will be very glad to answer that. I would still like to answer the pending question, if I may.

Mr. WELCH. If we have anything pending, I am surprised. Are you still troubled about that question about roaming around? Does that bother you?

Mr. COHN. It does, sir.

Mr. WELCH. Now make a speech, if you will, subject: "Romping Around."

Senator MUNDT. The Chair will have to ask the audience to be a little careful. Mr. Welch has the happy faculty of asking rib-tickling questions, but we don't want—

Mr. WELCH. Or, Mr. Chairman, perhaps the unhappy faculty.

Senator MUNDT. I think it is a happy faculty. I don't expect you people to sit there grim-faced through all the interrogatories, but I do ask you to chuckle quietly to yourselves, if possible.

That will not be taken out of your time, Mr. Welch. Go ahead, Mr. Cohn.

Mr. WELCH. I have plenty of time.

Mr. COHN. Assuming, Mr. Welch, that what you want is a description of the way things work down in the committee room—

Mr. WELCH. No. I want a speech on Romping Around, which you say you want to make.

Mr. COHN. Mr. Welch, apparently this is all very funny to you. It is not to me, sir.

Mr. WELCH. Mr. Cohn, I beg of you. I hate Communists as much as you do, but I am trying to cross-examine you. You keep telling me you want to make some kind of a statement about this aggravating question of mine that had the phrase in it "romping around." Let's get to it and tell us what you want to tell us.

Mr. COHN. Sir, in response to your question, what I wanted to say was, the people downstairs do not romp around. They work hard. They work much harder than they have to to earn the pay which they get. They do a careful and an efficient job. They are trained. They are capable, or they wouldn't be there. We don't have to have somebody sitting on top of them giving them directions and orders. They do their work and they do it well, and the end result is that Communists have been eliminated from defense plants and Government agencies, and that money has been saved to the taxpayers of this country.

That is the way we work our office. We don't have a task-master who sits down there and hands out orders.

Senator MUNDT. Mr. Welch's time has expired.

Mr. JENKINS, have you any questions?

Mr. JENKINS. No questions, Mr. Chairman.

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. A point of order?

Senator McCARTHY. No.

Senator MUNDT. Have we passed over you? You were absent from the table when your 10 minutes came. If there is no objection from anybody we will hear you for your 10 minutes at this time. Very well, you may have 10 minutes.

Senator McCARTHY. Mr. Cohn, I would like to take just a few seconds on a matter that was brought up and, as I said this morning, I think very rightly so by the able Senator from Idaho, and that has to do with your trip to Europe.

Checking the Library, I now have a document which I didn't have this morning when I questioned you, signed by Ted Kaghan, with the statement in it:

I intend to support at the ensuing election and I do hereby nominate the following name person as a candidate of the Communist Party.

I am going to hand you this, Mr. Cohn, and ask you whether or not it was admitted by Mr. Kaghan at the time you went to Europe—what was his title?

Mr. COHN. He was Acting Director of the Public Affairs Office of the High Commissioner of Germany.

Senator McCARTHY. I hand you this pledge to support the Communist Party and ask you whether or not you elicited from Mr. Kaghan the admission under oath that he is the same Ted Kaghan as the one who signed that document.

Mr. COHN. Yes, sir.

Senator McCARTHY. This was signed, I believe, after the Hitler-Stalin Pact?

Mr. COHN. I believe it was, sir.

Senator McCARTHY. One of the results of your trip through Europe was the elimination from the head of our information service over there, head or call it what you may, of this man who had pledged support to the Communist Party.

Mr. COHN. He resigned during our investigation; yes, sir.

Senator McCARTHY. Mr. Cohn—Is that a vote call? I am afraid that is a vote again.

Senator MUNDT. Another rollcall. We will have to stand in recess for about 10 minutes, I guess, for a rollcall vote.

Senator MUNDT. The committee will come to order.

Having just concluded a Senate rollcall vote, we now hear two bells which is the alarm for a quorum. We will proceed, however, hoping it may not eventuate in another rollcall. The timekeeper advises me, Senator McCarthy, you have 8 minutes left. You may continue.

Senator McCARTHY. Mr. Cohn, one of the subjects that you and I discussed a sizable number of times I recall is this question of just what authority the committee has to get information from the executive branch, is that right?

Mr. COHN. Yes, sir.

Senator McCARTHY. Now, I have seen statements emanating from the Justice Department and the White House to the effect that the sole power to enforce the law is lodged in the executive. You and I have discussed that and we agree with that fully, don't we?

Mr. COHN. There is no doubt about it, sir.

Senator McCARTHY. I believe we also agree that there is apparently some confusion on the part of some between the question of the right to enforce the law on the part of the executive and the right of a

congressional committee to get information if the law is not properly enforced, if there is malfeasance, misfeasance, graft, corruption, treason, et cetera?

Mr. COHN. Yes, sir.

Senator McCARTHY. I think you and I have gone over in detail the Reorganization Act and have agreed fully that you, as chief counsel, I, as the chairman, have no choice but to attempt to get information of any failure to properly enforce the law, any graft, any corruption, any dishonesty, any Communist infiltration, in the executive branch?

Mr. COHN. That is right, sir.

Senator McCARTHY. I have before me a statement issued by the White House this morning, June 2, it is entitled "A Statement by the President," it lists some very excellent accomplishments. It indicates that our executive branch certainly is heading in the right direction. I think that you and I have always agreed that this administration has been heading in the right direction so far as the removal of Communists is concerned. We may have had some question about the speed with which they were moving. Is that right?

Mr. COHN. Yes, sir.

Senator McCARTHY. Now, Mr. Cohn, under the Reorganization Act, as you interpret it, this committee has no choice but to attempt to get information to expose any wrongdoing, any misfeasance, any incompetence, in the executive, that is the duty of the Congress under the Reorganization Act, is that right?

Mr. COHN. That is right, sir.

Senator McCARTHY. If there is a law which says we cannot do that, of course, then you and I agree we cannot get that information?

Mr. COHN. It would be impossible.

Senator McCARTHY. I believe we have agreed, however, that there is no order of any bureau chief, any department head, which can nullify the Reorganization Act?

Mr. COHN. No, sir.

Senator McCARTHY. And if any bureau head, if any Cabinet officer, anyone up to the President, including the President, signs an order, issues us an order, which would make it impossible for the committee to do the job which it has been ordered to do under the Reorganization Act, we certainly are not bound by any such order, is that correct?

Mr. COHN. I assume that would be an infringement on the duties of the legislative branch, sir.

Senator McCARTHY. Right. Now, Mr. Cohn, let me ask you this: You have been a fairly high official in the Democrat administration. I think you as a Democrat, I as a Republican, have agreed that insofar as our committee is concerned, that there will be no coverup regardless of whether Democrats or Republicans get hurt, that the job of our committee is to disclose any wrongdoing, any communism, any corruption is that right?

Mr. COHN. That is right, sir.

Senator McCARTHY. Yesterday a Senator made an attack upon this committee, Senator Flanders. I find that attack headlined in the Communist Daily Worker, "Flanders Likens McCarthy to Hitler."

I believe you described the Daily Worker already this morning as the telegraph agency of the Communist Party?

Mr. COHN. It is, sir.

Senator McCARTHY. Mr. Flanders in this statement attempted to raise the question of religious-racial bigotry. I think it is a vicious thing. I read his speech. I don't believe that he wrote it himself. I think the kindest thing you can say about Ralph is that this may be the result of senility. He tries to inject religious-racial bigotry into this fight to expose Communists. Is it true, Mr. Cohn, that of the three top people in our committee, one happens to be a Protestant, one happens to be Jewish, the other happens to be Catholic, all active in their churches?

Mr. COHN. That is true, sir.

Senator McCARTHY. Is it also true, Mr. Cohn, that there is no test of either politics, religion, or race when it comes to hiring investigators, that the sole test is to get competent young men and that all the men we have on our committee now have had a background of training either in the FBI, the Justice Department, Secret Service, with 1 exception, I believe, and maybe 2 now. Is that roughly correct?

Mr. COHN. Yes, sir. I would say they are all competent men who do an excellent, hard-working job.

Senator McCARTHY. Mr. Cohn, one of the questions that this Senate is going to have to decide sooner or later is the question of whether or not the American people are entitled to know what is going on in their Government. As you and I have often discussed, there are the two theories: One is that it is a social favor to the American people to let them know what the facts are. You don't subscribe to that; I do not. The other theory which you and I both subscribe to is that the American people as a matter of right are entitled to know what their servants are doing, and all of us down here are their servants.

We are going to have to decide sooner or later just to what extent a bureau head can protect himself from exposure, to what extent an executive department can protect people in the executive. You were in the Democratic administration, a rather high official in the Justice Department. I just wonder if you wouldn't at this time give us some few examples of the attempts on the part of the executive to cover up information, cases in which, if it weren't for a congressional committee, individuals who are now in jail would not be there.

I would like to direct your attention first, if I may, to the Remington case. I would like to direct your attention specifically to the question of what happened when you were helping to prosecute that case insofar as files were concerned, how much assistance the defense got, how much assistance the prosecution got in that case.

Senator MUNDT. The Senator's time has expired. You may answer the question.

Mr. COHN. In the Remington case, Senator, that case was first developed before this committee. After that, another hearing was held on it before the House Committee on Un-American Activities. There was then a grand jury investigation and a perjury indictment.

To answer your question directly, before the prosecution, before the trial began, one important point in the prosecution was whether or not Remington had become a member of the Communist Party while in Knoxville, Tenn., working for the TVA. That was a key point in the proof. He was on trial for perjury in connection with the denial of Communist Party membership.

A number of our witnesses of necessity came from Knoxville and were people who had worked with Remington in the TVA. We did not get their files, and we did not have access to their files. We found out that certain officials of the TVA had physically turned over confidential files on Government witnesses in the case against Remington to Remington's defense counsel and were going all-out—these officials of the Government were going all-out to help the defense and to hurt the prosecution.

I think the incident which you mean—on that point I recall going down to the great city of Knoxville with one of my very able associates and a suitcase, and we subpoenaed all of the files concerned and physically took them back to New York with us.

There were numerous other instances which occur to me within my personal experience where there were people in the executive who tried to stop the prosecution and the uncovering of Communists. I can say of my own personal knowledge, having worked in the executive, that it has been the work of committees such as this, such as the House committee when Senator Mundt was acting chairman in the Hiss case, that important prosecutions did result. There is no doubt about it, sir.

Senator MUNDT. Have you concluded?

Mr. COHN. Yes, sir.

Senator MUNDT. Mr. Jenkins?

Mr. JENKINS. I have no questions, Mr. Chairman.

Senator MUNDT. Mr. Cohn, this morning Senator Jackson was interrogating you about access and availability of committee files.

Mr. COHN. Yes, sir.

Senator MUNDT. He stated that he had gathered from these hearings in some way or other, from some testimony, that there was some implied criticism of the members of this committee because they did not know what was in the files and did not look in the files.

I would like to ask you, because to me it seems that such implied criticism, if it were made, was very unjust, because it seems a very unreasonable request to expect committee members to go looking in the files—whether in your experience on the committee it has been customary for any of the members of the committee to go down into the file room in the evening or early in the morning or after hours, or any other time, looking around of their own volition, pulling out file drawers and envelopes and looking in them?

Mr. COHN. I never heard of such a thing.

Senator MUNDT. I just want to say on that point, because I think some of your readers of the record when these hearings come out in print, or those who listen to us on the radio or get the newspaper reports, might feel that members of this committee have been derelict in their duty because they have not been going through those voluminous files. Let me say that in 16 years in Congress, in which I have served on some 8 or 10 committees, never in my life have I gone into a committee room and started pulling out the drawers and stacking up the envelopes and looking in the files.

When I was on the House Committee on Un-American Activities, we had five rooms of files on un-American activities. I am sure if the members of our committee of their own volition had gone in pulling those files out and looking at them, we would have had a hodge-podge of papers in the room and not a filing system.

Isn't the appropriate way and the usual way when a committee member wants information, to follow the formula followed by the Senator from South Dakota, who calls in the file master of the room or some clerk in charge and says, "I would like some information on this subject. Can you bring me a file?" Isn't that the procedure which it seems to you would be a more orderly one if you want to protect the integrity of the orderliness of the file room?

Mr. COHN. Yes, sir, and I know that there have been a considerable number of occasions when you, Senator Mundt, have sent for various staff members and asked for information and files on various matters, and I am sure they have always been supplied to you.

Senator MUNDT. On very frequent occasions I have done that on this committee; I have done that on all the committees of which I am a member. I didn't want the impression to get out in the country that the members of this committee were somehow or other soldiering on the job because they didn't go down there with their own hands and fingers and start tearing the file room apart looking for information.

Mr. COHN. Of course not, sir.

Senator MUNDT. I simply wanted—

Senator JACKSON. Without taking this out of your time—

Senator MUNDT. Either way.

Senator JACKSON. Mr. Chairman, the reason I raised the question, you will recall that when the so-called FBI report was to be introduced in evidence, we were advised that it was available to all of us, and I had no knowledge of it. It was said it had been there since March of 1953. I believe—I may be in error, but the record will speak for itself—I believe Senator McCarthy said it was available to all the members of the committee.

The point is that we could go down and get it. If you have such a mass of files, I tried to make the point that you couldn't start searching every file. That was the point that I was making.

Senator MUNDT. It seems to me that any committee member interested in any project would ask some clerk or some Senator to bring them the file or bring them the information. Certainly if each of us started looking around in that file room we would have a straw-stack instead of a file room before we got through.

Senator JACKSON. I quite agree with you and therefore I feel it is very important that we be advised when there is something as serious as was involved in that report that I referred to. It was for that reason that I raised the question, because if every member is to be presumed to know what is in the file, I think we could all be in a very difficult situation if something developed later and we had been derelict in not taking action. It is for that reason that I wanted to call it to your attention.

Senator MUNDT. Yes, and I simply want to straighten out the public record on that point because this Senator does not for 1 minute want people to presume that he knows everything in the files of the 3 standing committees and the 5 subcommittees of which he is a member. He certainly does not know what is in all the files. He has no desire or expectation to be notified every time an insertion is made in the files. But he expects when he wants to know something, to go to the proper official in the file room and have them produce it at his request.

Senator JACKSON. Unless we are notified we cannot ask for it, can we?

Senator MUNDT. I certainly do not expect to be notified every time something goes in the file room of the eight committees of which I am a member.

Senator JACKSON. I agree, but this a very serious matter, 35 alleged subversives at Fort Monmouth. If it were a trivial matter I would not have raised the question.

Senator McCARTHY. Mr. Chairman.

Senator MUNDT. Have you a point of order?

Senator McCARTHY. I would like to answer Senator Jackson's question. I get the impression that Senator Jackson felt that maybe someone was derelict in not giving him this information. May I say, Mr. Chairman, that my three Democrat friends were guilty of absenteeism for quite a few months or they would have had this information. When I asked the committee for the right to——

Senator JACKSON. Senator——

Senator McCARTHY. Let me finish.

Senator JACKSON. Remember you turned this over in March and we left the committee in July. You had it for several months.

Senator MUNDT. The Chair has the time and he declines to yield further. He has some questions to ask Mr. Cohn and he has only 10 minutes. No, sir. I am going to keep my own time.

Mr. Cohn, I would like to ask you some questions now about your law practice, which was a question very appropriately raised also by Senator Jackson. You have been practicing, you say, in partnership with I think three other people in New York City in a law firm.

Mr. COHN. Yes, sir. I haven't always been a partner. I was with the firm.

Senator MUNDT. I think it is pertinent to this inquiry to ask you whether or not in the course of that practice you have ever represented or do now represent any of the Schine interests.

Mr. COHN. The answer is "No."

Senator MUNDT. May I particularize. Have you ever represented personally or has any member of your law firm represented personally G. David Schine?

Mr. COHN. No, sir.

Senator MUNDT. Or the Schine Hotel Co.?

Mr. COHN. No, sir.

Senator MUNDT. Or the Schine Theater interests?

Mr. COHN. Sir, neither I nor any one in my firm has directly or indirectly or in any way, shape, form, or manner or means represented Mr. Schine, anyone in his family, anyone in his business, or anyone connected with his business in any way.

Senator MUNDT. Is it correct or incorrect that the books of your law firm have been subpoenaed so that counsel has access to the records so that we do not have to rely upon your testimony but can rely upon the facts in the books of the firm?

Mr. COHN. That is correct, sir. Everything up there is completely available to the committee. Some of it has been subpoenaed. And my answer is a categorical no to every question you asked.

Senator MUNDT. So that you supplement the findings of those books by testimony under oath that at no time since you have been a member

of this committee have you or any member of your law firm represented G. David Schine or any of the Schine interests?

Mr. COHN. That is correct, sir.

Senator MUNDT. Very well.

Senator McClellan?

Senator McCLELLAN. Mr. Chairman, I just wish to briefly answer a statement that has been made here about the Democrats leaving this committee last year. I want to say for the benefit of those who heard the other remark, that the Democrats left this committee because four Republican members voted an obnoxious rule that denied to the Democrats the right to have any voice in the selection or discharging of staff members. We stayed off of the committee until that rule was rescinded by the same Republican members who voted it. That is the reason we left the committee. And if that is absenteeism, I will be absent again whenever we try to make this a one-man committee. I want that understood and now I will proceed to question Mr. Cohn.

Senator JACKSON. There is a rollcall.

Senator MUNDT. Another rollcall. We will resume with Senator McClellan as soon as we return in another 10 minutes.

(Brief recess.)

Senator MUNDT. The committee will come to order.

If there is nothing else, today's hearings should demonstrate to the country that there is other business going on on Capitol Hill besides these hearings.

Senator McClellan has not yet returned.

Senator DIRKSEN, I will let you begin with your 10-minute period, and when the Senator comes, we will revert back to him.

Senator DIRKSEN?

Senator DIRKSEN. Mr. Cohn, I have been rather intrigued by the metaphysical speculation of Mr. Welch as to whether or not we would be here today if there had been no Mr. Schine, or if Mr. Schine had received a commission. As I recall, that effort, such as it was, began in July, is that correct?

Mr. COHN. Yes, sir.

Senator DIRKSEN. In what month did you either contemplate issuing the subpoenas for the Army Loyalty and Screening Board or in what month were the first subpoenas issued, if they were issued?

Mr. COHN. The first public statement was, by Senator McCarthy, was at the beginning of September. I imagine the contemplation was some months before that, sir.

Senator DIRKSEN. Now, let us indulge in the assumption that there were no Mr. Schine, or that Mr. Schine had taken a trip to South America or Indochina, or some other place. Is it your judgment that in the pursuit of your duty that effort still would have been made to subpoena the records and the members of the Army Loyalty and Screening Board?

Mr. COHN. There is no doubt about it, sir.

Senator DIRKSEN. You say there is no doubt about it?

Mr. COHN. Yes, sir.

Senator DIRKSEN. Now, if that effort were made and they were actually subpoenaed, do you anticipate that, in the language of Mr. Welch, there might have been a collision anyway to bring people to this room?

Mr. COHN. Yes, sir; I am sure that there would have been. I might say, Senator Dirksen, that the concern with the loyalty board and that problem was basically Senator McCarthy's. That was a deep personal concern of his. I was not in disagreement with it in any way. I was a little less hopeful as to what the results would be, but that was something which he was very much set on, in this and in other investigations, and I am sure that in spite of me or anybody else in the world he would have pressed that and, assuming Mr. Stevens and Mr. Adams and others wanted that resisted, there would have been this collision, Mr. Schine or no Mr. Schine; yes, sir.

Senator DIRKSEN. Now let's revert for a moment to when this investigation is over, and I trust before long it will be over, it is then the responsibility of the regular investigating committee to resume its duties.

Mr. COHN. Yes, sir.

Senator DIRKSEN. You, as chief counsel, would have some estimate of what work will be undertaken as soon as the regular investigating committee gets under way?

Mr. COHN. Yes, sir.

Senator DIRKSEN. What in your judgment would be among the first of the things to which you would address yourself?

Mr. COHN. I would say the first thing, sir, would be communism in defense plants. I would say one of the first things would be this loyalty board question. I would say one of the first things, probably, would be the Peress case.

Senator DIRKSEN. Inasmuch as the loyalty matter is pending at the present time, it can be considered, I take it, as unfinished committee business?

Mr. COHN. No doubt about it, sir.

Senator DIRKSEN. On that basis, it would require no initiatory action, further action, on the part of the committee?

Mr. COHN. The request of the Army or Mr. Adams to produce those people has been standing for some period of time. It still stands. It has never been withdrawn. That is a matter of pending business for this committee.

Senator DIRKSEN. And the authority to issue subpoenas lodges in the hands of the Chairman unless, I take it, by action of the full committee, that should be impaired?

Mr. COHN. That is right, sir.

Senator DIRKSEN. So that if those subpoenas were actually issued for the members of the loyalty board, what do you anticipate by way of a difference of opinion between the Army and the committee as to whether or not, 1, the members must respond to the subpoenas, 2, whether they can testify on matters involving inferior loyalty boards and the action that was taken?

Mr. COHN. I am afraid, sir, the difference is such that there would be another collision.

Senator DIRKSEN. You would anticipate that that kind of a collision might bring some people back into this committee room?

Mr. COHN. If it follows the pattern as this, sir, I suppose it would; yes, sir.

Senator DIRKSEN. That is all for the moment.

Senator MUNDT. Senator McClellan, you have 8¾ minutes left of your 10 minutes.

Senator McCLELLAN. Thanks for the accuracy.

Mr. COHN, we concluded my other 10-minute period on paragraph No. 5 of the document which you had before you then——

Mr. COHN. I have it right here now, sir.

Senator McCLELLAN. All right. We will resume with paragraph 6 of that document. The first sentence refers to a report in quotations, and I assume you and I know what that refers to, which is the chronological statement of events that the Army issued.

Mr. COHN. Right, sir.

Senator McCLELLAN. The concluding sentence of that paragraph reads as follows:

When placed in proper perspective, it will be found to have given greater aid and comfort to Communists and security risks than any single other obstacle ever designed.

Mr. COHN. Yes, sir.

Senator McCLELLAN. Is that your statement today?

Mr. COHN. Not only that, sir, but I think Political Affairs, the official monthly publication of the Communist Party, in its last monthly issue said that these hearings and what has been going on is a very big victory for the Communist movement.

Senator McCLELLAN. That is your evaluation of it, that that report as issued here regarding alleged pressure and effort to secure preferential treatment for Private Schine has given greater comfort to Communists and security risks than any single other obstacle ever designed? That is your testimony?

Mr. COHN. Yes, sir. This plan to stop the work of this committee and to discredit the chairman and the staff.

Senator McCLELLAN. That would make it a very important document, wouldn't it?

Mr. COHN. Yes, sir.

Senator McCLELLAN. It would make the charges very grave and serious?

Mr. COHN. Yes, sir.

Senator McCLELLAN. So you have treated them that way, haven't you?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Then you do not agree with those who say that this is a waste of time for this committee to investigate the charges, do you?

Mr. COHN. Sir; with all respect, I do think it is a waste of time for the very able——

Senator McCLELLAN. To investigate that which has given the greatest comfort to the Communists of anything ever designed is a waste of time?

Mr. COHN. Senator McClellan, with all respect, sir, I think that by immobilizing this committee——

Senator McCLELLAN. I am using your words here now.

Mr. COHN. Yes, sir. By immobilizing the committee and keeping it away from its investigation of Communists in defense plants and in other places, the Communists are gaining. As we stated here, and you——

Senator McCLELLAN. All right, if it was done for that purpose, as you have charged, if it was done for that purpose, isn't that one of the greatest things confronting us, that we have men at the head of the Army of the United States resorting to such tactics? Could there be any more important investigation than looking into those charges, in your opinion—and you are fighting Communists?

Mr. COHN. Yes, sir; it is certainly very important. I only say, Senator McClellan, I very much regret that this looking into it—

Senator McCLELLAN. We all regret this. I agree with you. I regret it. I wouldn't be here if I didn't feel it an absolute duty to be here. I don't enjoy it. But the point I am making is, this hearing, from your viewpoint and mine, is not a waste of time, and it takes precedence and is paramount to any other investigation this committee could be making at this time if there is any basis at all for these charges; isn't that true?

Mr. COHN. Sir—

Senator McCLELLAN. Don't you agree with me?

Mr. COHN. No, sir; with great respect—

Senator McCLELLAN. What would be greater than to investigate the Secretary of the Army who is coddling Communists?

Mr. COHN. With great respect, Senator McClellan, I feel if your very great ability, and that of the other members of the committee, could be spared from this and used in connection with the uncovering—

Senator McCLELLAN. Surely, if this hadn't happened. But it did happen.

Mr. COHN. Yes, sir.

Senator McCLELLAN. And these charges are before us. Can you think of any more serious charges or anything that you know of that is going on that could be more serious to this Government than having at the head of it a man who is coddling Communists and trying to stop a committee of the Congress from investigating them? Do you know anything more serious than that?

Mr. COHN. Sir, it is very hard—

Senator McCLELLAN. Tell us what it is, if you do.

Mr. COHN. Yes, sir. It is very hard to evaluate the relative seriousness of it. Mr. Stevens and Mr. Adams certainly were trying to stop the investigation of the loyalty board and Communists in the Army. You are very correct, sir, and that was a very serious thing.

Senator McCLELLAN. All right, if they were doing it, don't you think we ought to start at the top to clean out?

Mr. COHN. Sir, I think I am much more concerned about—

Senator McCLELLAN. You are not concerned about the top level?

Mr. COHN. I am concerned about it, sir, but I just think that if this committee could address—could be put in the position of addressing itself to Communists in defense plants, Communists in Government, and not spending all the time, months, on this, I do think the national interest would be better served.

Senator McCLELLAN. Let me ask you this: If you have such a man at the head of the United States Army, coddling Communists, trying to stop the investigation of them, if he succeeds don't you know more could get in than any committee could ever get out, and shouldn't we clean up at the top first?

Mr. COHN. Sir, I am afraid this committee would not have the jurisdiction to do anything about Mr. Stevens or Mr. Adams.

Senator McCLELLAN. You mean it has no jurisdiction to investigate Mr. Stevens if he is coddling Communists?

Mr. COHN. It might have jurisdiction to investigate it, sir, but I don't know what power the committee would have over Mr. Stevens.

Senator McCLELLAN. What power does any committee have after an investigation except to pass a law? It can't enforce anything. What power does it have? You know that it has no power other than to expose.

Mr. COHN. It has the power to expose and call the thing to the attention of the public.

Senator McCLELLAN. Don't you think it should be exposed?

Mr. COHN. And to legislate. Sir, I probably don't have any wisdom on this subject at all——

Senator McCLELLAN. I would think you should. You are one of the chief Communist investigators. I think you would have a very fixed and unshakable opinion.

Mr. COHN. Sir, my opinion, with great respect to you, is that if we could have the benefit of the distinguished gentlemen of this committee in uncovering Communists in defense plants and other things which we have ready, and not sitting here day in and day out on this, I feel, if you press me for an opinion, that the national interest would much better be served.

Senator McCLELLAN. And let Mr. Stevens go on and continue to serve at the top. You think that would serve the interests of the country?

Mr. COHN. I have no opinion on Mr. Stevens continuing to serve or not, and there is nothing I nor anyone else—any one with much more power than I have on the committee——

Senator McCLELLAN. Do you have any opinion on the Communists continuing to serve?

Mr. COHN. Yes, I do, sir.

Senator McCLELLAN. Then why wouldn't you have an opinion on him continuing to serve if he is trying to prevent an investigation of Communists in the military?

Mr. COHN. Sir, he is appointed by the President of the United States.

Senator McCLELLAN. Well, so are the Army officers appointed by the President of the United States.

Mr. COHN. He is a Cabinet member, the Secretary of the Army, and I don't think——

Senator McCLELLAN. You want to hold him immune?

Mr. COHN. No; I don't want to hold him immune, sir.

Senator McCLELLAN. I don't either, and that is why I want to get at the truth.

Mr. COHN. Right, sir. I don't think the committee can do anything one way or the other about Mr. Stevens.

Senator McCLELLAN. It can expose him, can't it? If these charges are true, isn't that exposure——

Mr. COHN. Yes, sir.

Senator McCLELLAN. That is what we should do, isn't it? Don't you think so?

Mr. COHN. Well, sir, I certainly think it is unfortunate that the committee is tied up for these many weeks and months on this matter when it could be investigating Communists and communism.

Senator McCLELLAN. Do you mean to tell me that a Communist in some defense plant may be more dangerous to the security of this country than a man at the head of the Army who is coddling them would be?

Mr. COHN. You are almost persuading me, Senator McClellan.

Senator McCLELLAN. I think I have.

Mr. COHN. Sir, we do have the situation of these Communists in the defense plants, in the Army, in the other places. We were going about our business getting them out. They have tried to stop us.

Senator McCLELLAN. And the man who tried to stop you, if he did it, should be gotten out first, shouldn't he?

Mr. COHN. Sir, I am afraid we are never going to know all of the people who did try to stop us.

Senator McCLELLAN. We know 1 or 2, according to your testimony.

Mr. COHN. Yes, sir.

Senator McCLELLAN. Don't we?

Mr. COHN. Yes; we do.

Senator McCLELLAN. We have two that you have identified who tried to stop you.

Mr. COHN. Yes, sir.

Senator McCLELLAN. Don't you think we ought to start at the top and get them out first?

Mr. COHN. I don't think we will be able to get them out first, sir.

Senator McCLELLAN. You don't think we will?

Senator MUNDT. The Senator's time has expired.

Senator Potter.

Senator POTTER. Mr. Cohn, in the memorandums which Senator McCarthy and yourself and Mr. Carr offered in evidence did you testify that the memorandum of Friday, November 6, was prepared by you or dictated by you?

Mr. COHN. I believe it was, sir; yes, sir.

Senator POTTER. I think one of the major charges in this document is in the second paragraph, which I will read.

Mr. COHN. Yes, sir.

Senator POTTER. This refers to a meeting that was held in the Secretary's office, where Senator McCarthy, Frank Carr, yourself met with Mr. Stevens.

In this memorandum you state:

Mr. Stevens asked that we hold up our public hearings on the Army. He suggested that we go after the Navy, the Air Force, and the Defense Department instead. We said first of all we had no evidence warranting an investigation of these other Departments. Adams said not to worry about that, because there was plenty of dirt there and they would furnish us the leads. Mr. Stevens thought this was the answer to his problem.

Now, Mr. Cohn, will you tell the committee first what did Mr. Stevens say at this meeting to warrant you to report this in your memorandum?

Mr. COHN. Yes, sir. As I recall it, in substance—I can't give the exact words—Mr. Stevens expressed the thought that if we could stop investigating the Army and give some attention to the Navy and the Air Force for a while that that would ease the Army's situation.

Senator POTTER. Now, did Mr. Stevens say that the Air Force and Navy had security problems that you should look into?

Mr. COHN. I am sure that that was implicit in his statement, sir. I am sure he did not want us to just go out and investigate something which wasn't there. I assume that he felt they might have the same problem which existed in the Army.

Senator POTTER. Did he mention to you any specific security problem that the other Departments might have?

Mr. COHN. I don't recall that Mr. Stevens ever did, sir.

Senator POTTER. In other words, he stated that he would broaden your file; is that it?

Mr. COHN. That was about the substance of it, sir.

Senator POTTER. In your second sentence of that paragraph, you stated that Adams not only thought that was a good idea, but that he stated he would furnish you the leads.

Mr. COHN. Yes, sir.

Senator POTTER. Did he furnish you any leads?

Mr. COHN. He never furnished any actual——

Senator POTTER. I am speaking now of this particular meeting.

Mr. COHN. Of this particular meeting?

Senator POTTER. Yes.

Mr. COHN. No, he didn't give us any leads at that particular meeting, sir.

Senator POTTER. He just stated, "I can give you information."

Mr. COHN. That is right, sir.

Senator POTTER. Did you inquire as to what information he might have?

Mr. COHN. No, sir; not on that occasion.

Senator POTTER. Did either Senator McCarthy or Mr. Carr inquire?

Mr. COHN. No; I don't believe they did, sir.

Senator POTTER. I believe you testified that at a later date he mentioned security problems in the Air Force. Am I correct?

Mr. COHN. Yes, sir. In the Navy, too, sir.

Senator POTTER. And the Navy?

Mr. COHN. Yes, sir.

Senator POTTER. So as a result of this meeting, on November 6, you, under oath, testify that Secretary Stevens and Mr. Adams as counsel, suggested to you and to the Senator that you go after the Air Force, the Navy, and the Department of Defense?

Mr. COHN. I would say that is a substantial statement.

Senator POTTER. You heard the testimony of both Mr. Stevens and Mr. Adams, where they denied——

Mr. COHN. I did, sir.

Senator POTTER. That they ever suggested that you go after the Air Force, Department of Defense, and the Navy?

Mr. COHN. I heard what they said, sir.

Senator POTTER. Somebody is not telling the truth.

Mr. COHN. Somebody is certainly mistaken, sir. It is not us.

Senator POTTER. Then the memorandum of November 17—is that a memorandum which you prepared?

Mr. COHN. I believe I did, sir.

Senator POTTER. That refers to a meeting that was held at the Merchants Club in New York.

Mr. COHN. Right.

Senator POTTER. Attended by Mr. Stevens, Mr. Adams, Mr. Carr, the Senator, and yourself.

Mr. COHN. Yes, sir.

Senator POTTER. At this meeting, you report in your memorandum that the Secretary again asked you to go after the Air Force and the Navy. I will quote you the sentence in your memorandum:

At this meeting, Stevens again said he wished we could get into the Air Force and Navy and the personnel employed directly by the Defense Establishment, instead of continuing the Army hearings.

Mr. COHN. He did, sir.

Senator POTTER. Was this statement made in a similar manner as the statement in Mr. Stevens' office?

Mr. COHN. Yes, sir. There was discussion about that. I think about the general situation during lunch, and then as we were leaving the room—we ate in one room and then we went across the hall to another room. That was the afternoon the Harry Dexter White hearings were on television and Mr. Brownell and Director Hoover testified. Mr. Stevens had a television set brought up and we went into the next room. I recall as we were leaving the room, Mr. Stevens, I think in the hearing of some people, stopped Senator McCarthy at the door and asked him if the committee couldn't just drop this Army investigation for a while and go into the Navy and the Air Force and the Defense Department and elsewhere, and let the Army alone for a while.

Senator POTTER. You are testifying to this under oath.

Mr. COHN. I am, sir.

Senator POTTER. And you heard the testimony of Mr. Stevens and Mr. Adams where they deny that they made this request?

Mr. COHN. Yes, sir.

Senator POTTER. So, once again, perjury has been committed.

Mr. COHN. Well, sir; somebody is certainly mistaken, and, once, again, sir; I am not.

Senator POTTER. Now, did Mr. Stevens say that the Air Force and Department of Defense and Navy had security problems that you should look into?

Mr. COHN. I am sure that that was implicit in his statement, sir. I am sure he did not want us to just go out and investigate something which wasn't there. I assume that he felt they might have the same problem which existed in the Army.

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Mr. COHN. Of this particular meeting?

Senator POTTER. Yes.

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Senator POTTER. And the Navy?

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At this meeting, Stevens again said he wished we could get into the Air Force and Navy and the personnel employed directly by the Defense Establishment, instead of continuing the Army hearings.

And you have a memorandum from yourself to Senator McCarthy of December 9.

Mr. COHN. Yes, sir. I am familiar with it.

Senator POTTER. And in that memorandum, you state this:

John Adams said today that following up the idea about investigating the Air Force, he had gotten specific information for us about the Air Force base where there was a large number of homosexuals. He said he would trade us that information if we would tell him what the next Army project was that we would investigate.

You testify that that memorandum is a fact?

Mr. COHN. Yes, sir. Let——

Senator POTTER. And that Mr. Adams offered to trade you information on the Air Force if you would lay off the Army investigation?

Mr. COHN. Yes, sir. That was that so-called map incident, Senator Potter. That is right.

Senator POTTER. And you heard Mr. Adams testify concerning that map incident?

Mr. COHN. Yes, sir. He gives a different version of it.

Senator POTTER. That is all I have, Mr. Chairman.

Senator MUNDT. Senator Jackson?

Senator JACKSON. Mr. Chairman, I would like to make just a brief statement before asking some questions. Several times in the hearings reference has been made to the fact that the Democrats left the committee and were absent or we absented ourselves. I just want to say that whenever that is brought up again, I shall give the facts to the American public on why we left. I think we will save a lot of time if we don't go into this again. But I am going to make a brief statement now so that the American public will fully understand why we left. The Democrats left the committee last July for a very good and valid reason.

As Senator McClellan stated, we opposed one-man rule. We opposed the principle of delegating to the chairman full and final authority to hire and fire staff personnel. That the reason was sound for our leaving can best be demonstrated by the change in the rules that was made when we returned in January.

And may I say also to the American public, and so that the public will fully understand, that the matters we are now investigating all occurred—as a matter of fact, they started a day or two after we left the committee and continued during our absence. So, apparently, there must have been a good and sound reason for our leaving. I think if we had been on the committee we might not now be spending a lot of time investigating that which is taking the time of this committee.

I think we might well say that when the rules were changed, we were not advised—at least I was not advised—of what was going to face us. To be facetious for a moment, I think we might complain of entrapment, because we had no knowledge that we were going to be subjected to a long, long hearing when we went back on the committee at the time the rules were changed to give to the committee the full authority, members of the committee, on the hiring and firing of staff personnel.

Mr. Cohn, you have stated that the committee is being tied up on the investigation of these Communists in the defense plants?

Mr. COHN. That is one of the important matters, Senator Jackson; yes.

Senator JACKSON. Is that one of the key important matters?

Mr. COHN. I think it is, sir.

Senator JACKSON. Well, now, let me ask you this: These people are working in defense plants, and you mean private industry that are doing work for the Government?

Mr. COHN. Yes, sir.

Senator JACKSON. We have as the head of the Defense Establishment Mr. Charles Wilson, is that correct?

Mr. COHN. Yes, sir.

Senator JACKSON. If we have 135 Communists working in defense plants, wouldn't it be sound to send those names to Mr. Charles Wilson immediately and put him on the spot and ask that these people be dealt with accordingly?

Mr. COHN. In my opinion, sir—and it is only an opinion—no, sir. Senator JACKSON. Why do you say no?

Mr. COHN. Sir, just take the Peress case as an example. All we have is doubletalk and long delay over a long period of time. We have gotten no results, no action. The people who covered him up, the people who promoted this fifth amendment—

Senator JACKSON. Do you think Mr. Charles Wilson, the former head of General Motors, would want to cover up Communists working in private industry?

Mr. COHN. I am sure Mr. Charles Wilson would not want to cover up any Communists, sir. As a practical matter, Senator Jackson, you are asking me how I thought we could get results on this. I think the way we could get results on this, sir, is the way we have been getting results on this in the past, and that is by holding, first, executive sessions, and then public hearings. When the employees in these defense plants, having been named as Communists, invoke the fifth amendment, most of the responsible big companies in this country have adopted a rule that after those fifth amendment claims are made by people currently working in defense plants, these companies will fire those fifth amendment Communists. That rule has been adopted by General Electric as a result of the work of this committee; by the International Telephone & Telegraph Co., and by other companies.

The way to get the results, sir, is to hold our hearings, get these people in public session, have them claim the fifth amendment, have the witnesses name them as Communists, have them fired from the defense plants. I don't think, Mr. Wilson, as a matter of fact, has the power to fire them from defense plants.

Senator JACKSON. You say he doesn't have the power to fire them?

Mr. COHN. I don't believe that he does, sir.

Senator JACKSON. Mr. Cohn, wouldn't it be putting him on the spot if you sent him a list of names of people who are alleged to be Communists, and then he did nothing about it?

Mr. COHN. No, sir, because I imagine the reply we would get would be, "These people do not work for the United States Government as such. They work for defense plants which do subcontract work for the United States Government. Therefore, we don't have the jurisdiction to hire or fire these people."

Senator JACKSON. Let me finish, and then I will be glad to yield for a brief question.

Mr. Cohn, what you mean to say is that you do not have enough faith in this administration, that they will not do anything about removing these people who are alleged to be Communists?

Mr. COHN. No, sir; I have not said that.

Senator JACKSON. You say that Mr. Wilson wouldn't do anything about it or he would pass the buck or do something like that, is that it?

Mr. COHN. No, sir. I told you two things. Probably the most important of the two is that the Defense Department itself does not have the power to hire or fire these Communists in defense plants. That can be done only by the private employer. The companies—

Senator JACKSON. Why don't you in your letter then—you are

anticipating all that—suggest to Mr. Wilson you realize there is no law dealing with it directly, but that he take appropriate action?

Mr. COHN. Because, sir, the appropriate—

Senator McCARTHY. I wonder if the Senator would yield for a minute?

Senator JACKSON. If it is not out of my time. We are getting near the end.

Senator McCARTHY. May I say to the Senator, if he wants to have any information we have in the files transmitted to Charlie Wilson, I will be glad to call a meeting of the committee and take that up with the committee. We do have a sizable number of individuals who apparently are Communists, working as of today in defense plants. It is not up to my chief counsel to make that decision, but if the Senator from Washington wants us to transmit that to the Secretary of Defense, I frankly can see no objection to doing it.

I think we should take it up in a meeting of the committee, however. That is the sort of thing which is being held up, of course, by this hearing we are holding today.

Senator JACKSON. I am just trying to get at the heart of this, Senator, in response to your suggestion.

Senator MUNDT. Time back in.

Senator JACKSON. We on the committee haven't yet received the 135 names we have asked for. So it is pretty hard for us to join in the transmittal of something we don't know what we are transmitting.

Mr. Cohn, just one other question—

Senator McCARTHY. Scoop, may I say this—

Senator JACKSON. Have we received them?

Senator McCARTHY. I will give you all the information at any time that the members of this committee want to meet with me. I have refrained—let me finish—I have refrained from calling a meeting because I felt you have all been too busy on this job.

Mr. Chairman, may I say—Senator Mundt, may I have your attention?—may I say if the members of this committee care to meet with me at any time during the noon hour or any evening, I would be more than happy to give them a background picture of all of the backlog of work which is building up. I do not plan to order any special reports made for the members of the committee, because the staff is busy now.

Senator JACKSON. Mr. Cohn, I take it, then, you feel that by letter we wouldn't accomplish much. May I suggest, then, that these names be turned over to the Jenner committee, which could expose the 135 people. If time is of the essence, what is the objection to that?

Mr. COHN. Sir, I would say this: I have never undertaken before to tell the Jenner committee what to do or what to investigate. At the time this investigation came up, I spoke with the chief counsel for the Jenner committee, and it was decided that their involvement with other investigations was such that this investigation should appropriately be taken up by this committee.

We began, sir. We are well into it. We have had terrific results in it. We have actually gotten a lot of fifth-amendment Communists out of vital defense plants around the country.

Senator JACKSON. I am talking now about the 135.

Mr. COHN. Yes, sir. We are in the middle of it. We have started the job. If you are going to get another committee to start in at the very beginning and go back again, there probably will be a lot of duplication and waste of time.

The last I heard, the Jenner committee was busy on other things and could not undertake this investigation.

Senator JACKSON. Mr. Cohn, the staff is available. The allegation is made that we have these people who are not now being employed in connection with committee work. Why not just turn the staff over and assist them and expose it immediately? If you say that exposure is the only way that we can remove these people because Mr. Wilson won't do anything about it, who is the head of the Defense Establishment and the former head of General Motors—

Mr. COHN. Excuse me, Senator. I hate to interrupt you, sir, but I think I said that I don't think Mr. Wilson has the power to do anything about it. These people work for private industry. It is only their employers who can fire them, not Mr. Charles Wilson. The employers have adopted an arrangement that they will not act against these people unless and until we hold these hearings, have witnesses testify naming these people as Communists, give them a chance to be heard in their own defense, if they invoke the fifth amendment they will then, after a certain lapse—they will be suspended. If they do not withdraw their fifth-amendment claim, after a certain lapse of time they will be discharged. I noticed in the newspaper 2 days ago that General Electric has just fired 7 more people from a defense plant as a result of hearings held by this committee.

Senator JACKSON. Mr. Cohn, I do believe that you stated if it was sent to Mr. Wilson it would be handled just like the Peress case. That is in the record. I assume therefore that you have no confidence in the Secretary of Defense doing anything about this.

Mr. COHN. I am sorry if I gave that impression, sir. I did not say that. It is not a case of my not having confidence in the Secretary of Defense. I stand on what I said about the Peress case, sir. We have not gotten that information. We have never gotten it. We have asked for it for a period of months. On the practical problem here, sir, the answer is to let this committee do its business and hold these hearings and we can get those Communists out of the defense plants very rapidly.

Senator JACKSON. I had thought you had said it would be handled in the same way. Maybe I am wrong and the record tomorrow or later today, I think, will speak for itself.

Your view, then, is that the only way you are going to get any of these people out is to have a public hearing, that there is no point in advising the head of the agency of their dereliction in advance so they can take speedy action—

Mr. COHN. They can't, sir.

Senator JACKSON. I am not talking just about this case. How about matters where they are in the Government? Don't you think we ought to advise them at once?

Mr. COHN. Sir, I wouldn't want to talk in generalities.

Senator JACKSON. Let me be specific.

Mr. COHN. Yes, sir.

Senator JACKSON. Last March when this 2¼-page FBI listing 35 names came in, why wasn't the Secretary of the Army advised in writing forthwith that he had 35 alleged subversives under his jurisdiction working on highly important and secret radar work?

Mr. COHN. For two reasons, sir: First of all after we received the information that was the beginning for us. We had to check it out. We had to assemble facts and evidence to know whether the information was well founded, whether we could substantiate it.

Senator JACKSON. It was from the FBI, wasn't it?

Mr. COHN. It was from the FBI, but in the case of many of the individuals concerned, there was no derogatory information and in other cases there was derogatory information which we had to check out ourselves. We did that. We kept building the case.

The second reason, sir, is that the reason the information——

Senator JACKSON. Just before you get to the second reason, let me ask you this: In that report, didn't it state that Aaron Coleman was an espionage agent? It was right in that FBI report?

Mr. COHN. As I understand, sir, I am not supposed to discuss the contents of that report.

Senator JACKSON. I am not asking anything. I haven't seen the document——

Mr. COHN. The substance——

Senator JACKSON. Just a moment. I haven't seen the document, I am only giving that which was volunteered by people other than myself at this hearing, and that was read into the record that he was an espionage agent. If it was from the FBI, why didn't you immediately advise Mr. Stevens who had only been in office—how long, a month and a half or two months—of an espionage working in a defense plant?

Mr. COHN. Because——

Senator MUNDT. The Senator's time has expired. You may answer the question.

Senator McCARTHY. May I correct an inadvertent statement that Mr. Jackson made, and I am sure it is inadvertent. He said it was from the FBI files. The testimony was that this was from Army intelligence. That is the sworn testimony of myself under oath, and therefore the Army had all the information which we had.

Senator JACKSON. Just let me state this, then, and if the Senator disagrees with me, I want to know.

Senator McCARTHY. We have gotten nothing from the FBI.

Senator JACKSON. I didn't say you got it from the FBI. This modified, reduced version of a report was one sent by the Federal Bureau of Investigation to G-2 of the Army with a copy to the Air Force, and it contained the information that the FBI had obtained. It was an FBI report sent to the Department of the Army. Am I wrong?

Senator MUNDT. You may answer the question.

Mr. COHN. Am I being asked that? No, I would say you are right, sir. Senator McCarthy's point was that we did not obtain it from the FBI side.

Senator JACKSON. Nor did I say you obtained it from the FBI side.

Mr. COHN. We obtained it from the Army side, and if I may answer your question about why we did not communicate with them on that point——

Senator JACKSON. On Aaron Coleman, in particular.

Senator MUNDT. The time has expired. You may answer the question but there will be no further questions.

Mr. COHN. The reason we did not communicate with the Army on Aaron Coleman is that the gentleman who brought us the information told us that the people at the Army were well aware of the Coleman situation and of the other situations outlined in that memorandum, and that despite the fact they were well aware of it, they had not done anything about it and were not doing anything about it, and they did not do anything about it until this committee began its work.

Senator MUNDT. Senator Dworshak?

Senator DWORSHAK. Mr. Chairman, because of the rollcall delays and so we may complete this round of questioning this evening, I will pass.

Senator MUNDT. Very good.

Senator DIRKSEN. I was going to ask the Senator to yield me just 20 seconds to make one clarifying observation at this point.

Senator MUNDT. Any objections? There being none, you have 20 seconds.

Senator DIRKSEN. Mr. Cohn, do you know of any instrumentality, in or out of Government, that has authority to issue a subpoena other than a committee of Congress or a court?

Mr. COHN. No, sir. By a court, Senator Dirksen, I assume you include a grand jury which would be an arm of a court.

Senator DIRKSEN. That is right.

Mr. COHN. No, sir, I don't.

Senator DIRKSEN. So that with respect to Mr. Wilson, he is an administrative officer in Government, he would have no authority to issue a subpoena, and could not develop the story, certainly, with respect to people working in defense plants who are not a part of the Government structure?

Mr. COHN. That is right, sir. This job could be done by the committee and the committee alone. It could not be done by Mr. Wilson.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. Mr. Cohn, I must say I am quite surprised about these defense plant people. You say that the Department of Defense has no authority to tell the people who are working in these plants to leave?

Mr. COHN. I do, sir.

Senator SYMINGTON. Well, just before I came into Government, I was in private industry, and our plant was full of people from Air Force intelligence and Army intelligence and Navy intelligence, and we not only worked closely with the FBI, but actually their agents in my part of the world were my very good friends. We discussed everybody that we knew that there might be any problem with, and if there was anybody they thought should get out, they got out right away, as a security risk. Now, is all that blown up and we don't have any more of that now?

Mr. COHN. No, sir. Perhaps the heads of some of the other businesses are not as diligent in that as you were. But the fact is—I don't have to look in the future, I can look in the past few months—this committee has exposed a large number of current Communist Party members still working in 1953 and 1954 in defense plants. The only control the Defense Department has, as far as I know, is control

over security clearance, and that control is not clear. There are some instances we came across where that control is sort of divided between the Defense Department and between the private company. One case I recall the private company has control up through confidential, the Defense Department or the Navy above confidential.

Senator SYMINGTON. Now, let's go down to this point. The Government is the buyer, and if the Department of Defense and a great industrialist like Mr. Wilson and Mr. Stevens who did run a big company, if they told the seller, "Here, you are getting a lot of business from us. We have had advice from Senator McCarthy's committee," everybody would jump, I think it is fair to say, "to get rid of these people. Now, you get rid of them."

Do you still say the Defense Department couldn't tell the people and even if they did, that they wouldn't get rid of them?

Mr. COHN. The answer, Senator Symington, and I think there is tremendous merit to some proposal being worked out whereby there would be greater control by the Defense Department, but the way things stand now, in 1954, the answer to you would be, or to Mr. Wilson would probably be, "The people you want us to fire are members, say, of the United Electrical Union, which in many of its locals is a Communist-dominated union. There is collective bargaining, they are recognized by the NLRB. We have to deal with them. We cannot fire those people. We are sorry."

Senator SYMINGTON. Do you mean that you think you couldn't get rid of people in a plant if you told the people that ran the plant that they were security risks to the United States? Have you given these 133 names to the FBI?

Mr. COHN. Pardon me?

Senator SYMINGTON. Have you given these 133 names to the FBI?

Mr. COHN. No, sir; I don't think I have given them to the FBI.

Senator SYMINGTON. The FBI is all over the country and work closely with the defense plants. Why not give them to the FBI?

Mr. COHN. I would take an oath that the FBI knows about these 133.

Senator SYMINGTON. If they know about them, wouldn't they tell the Defense Department about them?

Mr. COHN. They would, sir.

Senator SYMINGTON. Then it wouldn't be a question of the Department of Defense not being able to fire them, would it?

Mr. COHN. No, sir. It might be ridiculous, but it is true, the Department of Defense does not have the power to fire these people. Private companies do.

Senator SYMINGTON. When I was with the Air Force, if anybody with the proper knowledge had come with respect to any security risk in any plant that was doing Government business with the Air Force, they would have immediately gotten rid of those people, or the business would have been canceled.

I think, I believe we ought to check this, because it is incredible to me that the American people, through the Department of Defense, are giving business to companies where they are helpless about getting rid of security risks.

Senator POTTER. Would the Senator yield at that point?

Senator SYMINGTON. I would be glad to yield.

Senator POTTER. It is my understanding that they have 3 screening boards, or the country is divided into 3 sections for screening purposes.

Mr. COHN. I think they call them industrial screening boards.

Senator POTTER. One is under the jurisdiction of the Navy, one the Air Force, and one the Army, for screening of personnel that work in defense plants. I don't know how much authority those screening boards have.

Senator SYMINGTON. I can answer the Senator this way: I don't know anything about the boards. But I know we worked with the intelligence of the 3 services and also with the FBI, and these 3 service intelligences were not as efficient. But if anybody from the FBI ever told anybody in the plants that I worked with that we had a security risk, he was out, regardless of boards or anything else, and I believe that that would be true of the Secretary of Defense.

I do not think he could stand on that situation, and I have enough respect for him to believe that he won't. I would recommend, even if it is inconvenient, and you don't give the names to another committee so that this committee isn't blamed for holding up the work, I would certainly give the names to the Department of Defense. I would give them to the Federal Bureau of Investigation, and I would say, "These people we think every minute, every day, that they are in these plants they are a danger to the security of the United States, and we think that you ought to get rid of them."

Give the reasons why. I am sure if you do that that any manufacturer with Government business, if he gets that information from the buyer, is going to get rid of those people.

Senator DWORSHAK. Would the Senator yield for a question?

Senator SYMINGTON. I would be glad to yield.

Senator DWORSHAK. You seemed to be concerned about having contracts in firms in this country where there are subversives. I am sure every member of this committee knows that under our foreign-aid program and offshore procurement that about \$2 billion worth of contracts have been placed in European countries like Italy where 25 percent of the workmen belong to the Communist organization.

Senator SYMINGTON. I would say to my good friend from Idaho that could not be more true, and if he would be kind enough to read a report which the distinguished senior Senator from New Hampshire and I have recently put out, he would see just how worried we are about the condition which he brings up.

Senator DWORSHAK. That was a splendid report.

Senator SYMINGTON. I thank the Senator very much. I might say the reason it is a splendid report is primarily due to Senator Bridges and his great staff.

Mr. COHN. Senator Symington, if I might try to clarify this for you, I don't know whether the Defense Department is entirely blameless or not. I think that it has been suggested to us that there are certain things which the Defense Department can do under certain congressional acts. I know that there is at least one instance where the situation got so bad that one department or another just issued an instruction to a company saying, "If you recognize such-and-such a union which is Communist-dominated, we will withdraw all our contracts." That was at the Knolls Atomic Laboratory, upstate in New York.

Senator SYMINGTON. Mr. Cohn, I haven't got the 10 minutes, but I would urge on you, even if you would not think it would expedite getting these security risks out of the defense plants, by giving it to another committee of the Congress, I would urge that immediately the names be given to the FBI, in order that they may acquaint the Department of Defense with this problem.

Mr. COHN. I am sure the FBI has them.

Senator SYMINGTON. I would like to support without reservation the position taken by my colleagues with respect, Mr. Chairman, to why we left the committee. At this point I will mention that the first paragraph of the Crouch memorandum, which I read quickly, has in it "1,000 Communists are in the Army." That is the way I remember reading the Crouch memorandum. Is that correct?

Mr. COHN. I believe that is true.

Senator SYMINGTON. That was his estimate based on his experience, which went back a long way?

Mr. COHN. That is right, sir.

Senator SYMINGTON. If that is true, certainly a matter of that character should be brought up with the members of this committee, and not just filed, shouldn't it?

Mr. COHN. Senator Symington, once again, that goes into the operation of the committee, and a small group trying to do a big job. A lot of other things like that came in at the same time and at later dates bearing on other sensitive Government agencies with equally alarming situations, sir. When we get something like that, we try to track it down.

Senator SYMINGTON. The 2 $\frac{1}{4}$ -page memorandum talked about 35 subversive cases, but the Crouch letter in March talked about 1,000 Communists in the Army, which would be one-twenty-fifth of all the Communists, according to the FBI information, in the United States.

Mr. COHN. Yes, sir.

Senator SYMINGTON. Has that information never been given to the FBI?

Mr. COHN. Senator Symington, I am sure that the FBI has all of that information, all of the names on the defense plant people, and a lot more.

Senator SYMINGTON. Was the information given to the Department of Defense when you got the letter? Did this committee get in touch with the Department of Defense and say they had a document which showed there were a thousand Communist members in the Army or the Navy or the Air Force?

Mr. COHN. No, sir; it did not.

Senator SYMINGTON. Mr. Chairman, some days ago I mentioned that Mr. Struve Hensel was the chief lawyer of the Department of Defense. While I have this opportunity, I would like to correct that statement. I understand that he was the chief lawyer, but that now he is Assistant Secretary of Defense in charge of foreign aid. I believe that is correct.

Mr. COHN, you think a lot of the FBI. I am right about that, aren't I?

Mr. COHN. There is no organization or law-enforcement agency in the world of which I think as much or more.

Senator SYMINGTON. I agree with you about that, as you know.

Right now, on this question of information and informants, I notice that Senator Hickenlooper asked this question of Mr. Hoover some years back in testimony. He said:

Are you aware of any occasion when FBI investigating files have been made available by anybody to congressional committees or to individual Members of Congress?

And Mr. Hoover answered:

I am not aware of any loyalty reports being made available to any committee by any agency or any individual in the Government, because there is a direct Presidential directive prohibiting it. I know, insofar as the Federal Bureau of Investigation is concerned, no confidential reports of the Bureau have ever been made available to anybody.

Would you care to comment on those remarks by Mr. Hoover?

Mr. COHN. No, sir; I don't believe they require any comment by me.

Senator SYMINGTON. Do you believe he is right in his position?

Mr. COHN. Sir, you will never get me to say Mr. Hoover is wrong in any position he takes.

Senator SYMINGTON. Then do you believe you could ever have gotten this letter from the FBI?

Mr. COHN. Could we have gotten it from the FBI?

Senator SYMINGTON. Yes.

Mr. COHN. We could not have, sir.

Senator SYMINGTON. But you could get it from the Army?

Mr. COHN. We got information from the Army that after the FBI had forwarded information to the Army, the Army had ignored what the FBI had sent and that there was an example of laxity and—

Senator SYMINGTON. Just one more question, Mr. Chairman.

Why, if it is wrong for the committee to get it directly from the FBI, is it right to get it from the FBI through the Army files?

Mr. COHN. Because, sir, it was not a question of getting the information. It was a question of whether the executive had received information which it had failed to act on, thus presenting a situation of inefficiency and mishandling on the part of the executive which would come under the direct purview of this committee by the mandate of the Legislative Reorganization Act.

Senator MUNDT. The Senator's time has expired.

The Senator from Wisconsin?

Senator McCARTHY. Mr. Chairman, there has been much questioning of the witness as to why information which this committee has was not forwarded to the Defense Department or to the FBI. The answer to that is very, very simple. We know that all the information which we have is available to the Department concerned. There would be no reason to get information from a Department file and turn around and send it back to that Department. It would be a great waste of time.

Mr. Chairman, I would like to make an announcement here, if I may. I talked to Senator Flanders on the floor of the Senate. I pointed out to him that yesterday he made a speech attacking me. I pointed out that he had not indulged in the usual courtesy of calling me and telling me he was going to attack me. I pointed out that he had in effect made the statement that the Senator from Wisconsin was guilty of some wrongdoing. I told him I thought, if that were true, the committee was interested in getting the facts under oath.

I pointed out that the three Republican Senators here had not hesitated in taking the oath when they had information. I asked him whether he was willing to come over here and, under oath, tell us what he knew about this alleged wrongdoing.

He said that he had no information of any kind or nature except what he had read in the daily newspaper.

However, I do think, Mr. Chairman, that in view of the fact that this attack was made during the hearings—and may I read just one line from it—“Can it be that our Dennis the Menace”—meaning McCarthy—“so effective in making trouble for his elders, has at last gotten into trouble himself? Does the committee plan to investigate the real issues at stake?”

I think if the Senator from Vermont knows of any trouble in which the Senator from Wisconsin has gotten, he should come over under oath and tell us about it. I think if he feels the committee needs his advice in order to investigate what he thinks are the real issues, he should give us that valuable advice.

I am not going to make the formal request of the Chairman that he be called, but I wish the Chair would call the Senator from Vermont and talk with him and see if he does have any information. If not, I think he should publicly admit that this was a smear manufactured out of whole cloth. I would like to have the Chair consider calling him, if he would.

Mr. COHN, one of the questions raised by the Senators was whether or not the committee was necessary to expose Communists and whether that couldn't be done by the department involved. I wonder if you would tell us the experience you had when you were working for the, I believe it was the last administration, in the Department of Justice when you presented the case of Communist infiltration of the U. N. to the grand jury. Will you tell us what obstacles were placed in your way and what difficulty you had in getting that Communist infiltration exposed?

Mr. COHN. Yes, sir; very briefly the situation there was that we started off with one member of the Silvermaster spy ring, with which I know Senator Mundt is familiar from his work on the Un-American Activities Committee, namely Irving Kaplan. It developed that despite the fact that the man had been named as a Communist spy he ended up working on the Secretariat of the United Nations.

He continued on the Secretariat of the United Nations. We called him in before the grand jury. One thing led to another. Before many months went by it developed there were some 35 or 36 fifth-amendment Communists working in fairly important positions on the Secretariat of the United Nations, all of them being American citizens. Many of them—

Senator McCARTHY. Did you present that case to the grand jury?

Mr. COHN. Many of them had worked for the administration before they had gone with the Secretariat of the United Nations. We presented the case to the grand jury. The grand jury was very incensed about it and prepared a presentment to make public all of the facts concerning the existence of this network of American Communists in the Secretariat of the United Nations.

There were attempts by certain people in the Justice Department to stop the issuance of that presentment. They succeeded temporarily.

They failed ultimately. In December of 1952, the beginning of December the presentment was finally issued and made public, sir. Then there was a brief congressional investigation.

Senator McCARTHY. Let me ask you this, Mr. Cohn: Had you something to do with the Hiss case, I believe, also; is that right?

Mr. COHN. I had. What I had to do with the Hiss case is not important enough to mention here, sir.

Senator McCARTHY. Enough to do with it so that you are aware of the facts in the case. Let me ask you this: Are you convinced if it had not been for a congressional committee having exposed the facts in the Hiss case, that Alger Hiss today would be free?

Mr. COHN. Yes, sir.

Senator McCARTHY. Mr. Cohn, I referred earlier to an investigation of the CIA in response to Mr. Jackson's question about what other investigations we were conducting. I think perhaps we should recap the facts in that case for the benefit of the Senators. Let us see if this is correct.

We had a sizable number of complaints about alleged Communist infiltration and corruption and dishonesty in the CIA.

After we had made a preliminary investigation is it correct that we decided that I should have a meeting with two of the members of the White House staff, a representative of the Attorney General, one of our highest elected officials in the executive branch—I am not referring to Eisenhower—and at that time I reported back to the staff that I was convinced by those White House aides, Justice Department, and other individuals present, that at that time it would not be in the public interest to hold public hearings on the CIA, that that perhaps could be taken care of administratively.

Senator JACKSON. Would the Senator be good enough to yield?

Mr. COHN. Yes, sir.

Senator JACKSON. I was just wondering whether we are going into another subject right now. I might say that as one member of the committee I never heard about this meeting with the White House staff.

Senator McCARTHY. You would not have, because you were not on the committee. You had absented yourself from the committee.

Senator JACKSON. Wait a minute. You recall, Senator, you did have Mr. Dulles up while we were on the committee. When was this meeting?

Senator McCARTHY. I think it was after you left, Senator.

Senator JACKSON. Are you sure?

Senator McCARTHY. I am reasonably certain I am.

Senator JACKSON. If we had been on the committee, we would have investigated it. Was the investigation stopped?

Senator McCARTHY. I may say Senator Symington made the suggestion that I contact the White House before we decide to have any public hearings and discuss it with the White House whether or not we would get complete cooperation from the White House and further whether it would endanger national security. I don't think the meeting was held until after you actually left the committee. I can check the dates on that. Wait just a second. I think the meeting was held before you left the committee. Senator Symington, would you know whether I reported back on that?

Senator SYMINGTON. Would the Senator yield to me?

Senator McCARTHY. I would be glad to.

Senator SYMINGTON. At the time the committee was considering investigating the Central Intelligence Agency, I asked the Senator from Wisconsin, because of my conviction that it was one of the most sensitive agencies from the standpoint of our national security, that before he went ahead with the investigation he cleared it through the President's staff, and he said at that time that he would be glad to do it that way.

Am I correct?

Senator McCARTHY. That is absolutely correct.

Senator JACKSON. That clarifies that. I had no recollection of that part.

Senator McCARTHY. I think, Senator Jackson, the meeting was actually held before the Democrats left the committee. I thought in view of the fact that you had raised that, we should make that clear. How much time have I left out of my 10 minutes?

Senator MUNDT. About 45 seconds.

Senator McCARTHY. O.K. I will leave it that way. Just this one question: Mr. Cohn, do you agree with me that, No. 1, the administration is certainly heading in the right direction so far as getting rid of Communists are concerned, and, No. 2, that it is ridiculous, a complete waste of time to have these exchanges of statements between the White House and this committee, that there is no reason on earth why there should be any contest between the executive department and this committee insofar as exposing Communists, graft, and corruption is concerned, that we all should be heading the same way, there should be none of this silly bickering, fighting about this exposure, that we should be getting the complete cooperation from the executive and that should be flowing both ways, of course?

Senator MUNDT. The Senator's time has expired. You can answer the question.

Senator McCARTHY. Let me finish the question. And if that could be accomplished, a great service could be performed for the country?

Mr. COHN. I am sure of that, sir.

Senator MUNDT. Mr. Welch, you have 10 minutes. After your 10 minutes, we will recess.

Mr. WELCH. Mr. Chairman, ordinarily, with the clock as late as it is, I would call attention to it, but not tonight.

Mr. Cohn, what is the exact number of Communists or subversives that are loose today in these defense plants?

Mr. COHN. The exact number that is loose, sir?

Mr. WELCH. Yes, sir.

Mr. COHN. I don't know.

Mr. WELCH. Roughly how many?

Mr. COHN. I can only tell you, sir, what we know about it.

Mr. WELCH. That is 130, is that right?

Mr. COHN. Yes, sir. I am going to try to particularize for you, if I can.

Mr. WELCH. I am in a hurry. I don't want the sun to go down while they are still in there, if we can get them out.

Mr. COHN. I am afraid we won't be able to work that fast, sir.

Mr. WELCH. I have a suggestion about it, sir. How many are there?

Mr. COHN. I believe the figure is approximately 130.

Mr. WELCH. Approximately one-two-three?

Mr. COHN. Yes, sir. Those are people, Mr. Welch——

Mr. WELCH. I don't care. You told us who they are. In how many plants are they?

Mr. COHN. How many plants?

Mr. WELCH. How many plants.

Mr. COHN. Yes, sir; just 1 minute, sir. I see 16 offhand, sir.

Mr. WELCH. Sixteen plants?

Mr. COHN. Yes, sir.

Mr. WELCH. Where are they, sir?

Mr. COHN. Senator McCarthy——

Mr. WELCH. Reel off the cities.

Mr. COHN. Would you stop me if I am going too far?

Mr. WELCH. You can't go too far revealing Communists, Mr. Cohn. Reel off the cities for us.

Mr. COHN. Schenectady, N. Y.; Syracuse, N. Y.; Rome, N. Y.; Quincy, Mass.; Fitchburg, Mass.; Buffalo, N. Y.; Dunkirk, N. Y.; another at Buffalo, N. Y.; Cambridge, Mass.; New Bedford, Mass.; Boston, Mass.; Quincy, Mass.; Lynn, Mass.; Pittsfield, Mass.; Boston, Mass.

Mr. WELCH. Mr. Cohn, you not only frighten me, you make me ashamed when there are so many in Massachusetts. [Laughter.] This is not a laughing matter, believe me. Are you alarmed at that situation, Mr. Cohn?

Mr. COHN. Yes, sir; I am.

Mr. WELCH. Nothing could be more alarming, could it?

Mr. COHN. It certainly is a very alarming thing.

Mr. WELCH. Will you not, before the sun goes down, give those names to the FBI and at least have those men put under surveillance?

Mr. COHN. Mr. Welch, the FBI——

Senator McCARTHY. Mr. Chairman.

Mr. WELCH. That is a fair question.

Senator McCARTHY. Mr. Chairman, let's not be ridiculous. Mr. Welch knows, as I have told him a dozen times, that the FBI has all of this information. The defense plants have the information. The only thing we can do is to try and publicly expose these individuals and hope that they will be gotten rid of. And you know that, Mr. Welch.

Mr. WELCH. I do not know that.

Mr. Cohn, do you mean to tell us that J. Edgar Hoover and the FBI know the names of these men and are doing nothing about them?

Mr. COHN. No, sir. I mean to say——

Mr. WELCH. Do you mean to tell us they are doing something about them?

Mr. COHN. Yes, sir.

Mr. WELCH. What are they doing about them?

Mr. COHN. Here is what they do about them. They notify the Defense Department and the appropriate security——

Mr. WELCH. Don't they put them under surveillance?

Mr. COHN. Appropriate security agencies involved. The FBI gives them full information. It is then up to them, the places where the information goes, to decide whether or not they will act on the FBI information. All the FBI can do is give the information. Their power ends right there.

Mr. WELCH. Cannot the FBI put these 130 men under surveillance before sundown tomorrow?

Mr. COHN. Sir, if there is need for surveillance in the case of espionage or anything like that, I can well assure you that Mr. John Edgar Hoover and his men know a lot better than I, and I quite respectfully suggest, sir, than probably a lot of us, just who should be put under surveillance. I do not propose to tell the FBI how to run its shop. It does it very well.

Mr. WELCH. And they do it, don't they, Mr. Cohn?

Mr. COHN. When the need arises, of course.

Mr. WELCH. And will you tell them tonight, Mr. Cohn, that here is a case where the need has arisen, so that it can be done by sundown tomorrow night?

Mr. COHN. No, sir; there is no need for my telling the FBI what to do about this or anything else.

Mr. WELCH. Are you sure they know every one of them?

Mr. COHN. I would take an oath on it, sir. I think the FBI has complete information about the Communist movement in this country and that would include information about these people.

Mr. WELCH. That being true, Mr. Cohn, can you and I both rest easy tonight?

Mr. COHN. Sir, I certainly agree with you, it is a very disturbing situation.

Mr. WELCH. Well, if the FBI has got a firm grasp on these 130 men, I will go to sleep.

Do you assure me that is so?

Mr. COHN. Sir, I am sure that the FBI does its job well, that it knows all about these people, that it has told the appropriate agencies about these people, and that the failure to act goes elsewhere than in the hands of the FBI.

Mr. WELCH. Just for the purpose of safety, for fear something could be missed somewhere, would you mind, as a patriotic American citizen, sending the 130 names over to the FBI tonight?

Let's be sure we are not taking any chances.

Mr. COHN. I wouldn't mind it at all, sir.

Mr. WELCH. Would you do it, sir?

Senator McCARTHY. Would you yield?

Mr. WELCH. No; I won't yield. I want to find out if he will do it and if he won't, will you do it?

Senator McCARTHY. You asked a question. Will you let me answer it?

Mr. WELCH. I asked it of the witness, sir.

Senator McCARTHY. I want you to know that the FBI has complete access to any files we have, any information we have, at any time.

Mr. Welch knows, I am sure you do, Mr. Welch, that the FBI has no power to order anyone fired. You know that, for example, in the Alger Hiss case, the FBI had furnished all the information and he still rose to be a top man in the State Department. You know, Mr. Welch, that the FBI furnished all the information on the spy Harry Dexter White. You know that despite that fact, Mr. Welch, despite the fact that the FBI had given all of the information, and sent over reports day after day after day, Harry Dexter White, the Communist spy, got to be a top Treasury official. So let's not deceive

the American people by blaming the FBI for Communists being in defense plants.

The FBI has no power to get them out. We don't know at this time which ones are under surveillance. We don't know how badly J. Edgar Hoover may be disturbed or may not be disturbed by this. We do know, however, that from the two and a half page memorandum that was submitted here the other day, that someone in the FBI was very, very deeply disturbed about Communists in the radar laboratory.

So let's not make the mistake, Mr. Welch, if we can agree on this, of trying to lead the American people to believe that the FBI can do anything beyond getting the information. That is all they can do.

Mr. WELCH. Well, Mr. Chairman, my confidence in the FBI is simply limitless, and I think Mr. Cohn's confidence is similar; is that right, sir?

Mr. COHN. Yes, sir; that is right.

Mr. WELCH. All I am suggesting is that we just nudge them a little and be sure they are busy on these 130.

Would you mind helping nudge them?

Mr. COHN. Sir, you do not have to nudge the FBI about this or about anything else.

Mr. WELCH. Then they have got the whole 130, have they, Mr. Cohn?

Mr. COHN. I am sure of it, sir, and a lot more.

Mr. WELCH. Then what is all the excitement about, if J. Edgar Hoover is on the job chasing these 130 Communists?

Mr. COHN. Mr. Welch, all the excitement is about the fact that even though J. Edgar Hoover has information on Communists in Government and defense plants, and that even though he has forwarded that information time and time again to the appropriate agencies and places, some of those agencies and places have failed to take action on the basis of reports submitted by Mr. Hoover.

Mr. WELCH. Then, as a second line of defense, let's send the 130 names to the Department of Defense tonight. Would you mind doing that?

Mr. COHN. Whatever the committee directs on that, sir.

Mr. WELCH. I wish the committee would direct that all the names be sent both to the FBI and to the Department of Defense with extreme suddenness.

Senator DIRKSEN. Mr. Chairman, I am most distressed of spirit to have to intrude a point of order in here, but if my recollection of the resolution adopted by the committee is correct, we have suspended all the activities of the regular investigating committee, and I doubt very much whether any names could be messaged to the FBI or Mr. Wilson or anybody else until this investigation has been concluded and the work can go on.

Mr. WELCH. Mr. Chairman, if you will give them to me, I will go down personally with them to both addresses before sundown tonight.

Senator DIRKSEN. We are immobilized in the regular operations of the committee, Mr. Welch.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. I have had my differences with Mr. C. E. Wilson primarily about the size of the Air Force, but I believe that he is a good American working hard for his country, and I move now that this committee give him the names of these 133 Communists,

regardless of any bureaucracy involved, either in the executive branch or the legislative branch. I move that he gets the names, and I believe he will have them out of those plants within a very short period of time. Mr. Chairman, I so move, that we give the names immediately to the Department of Defense in the interest of the security of the United States.

Senator JACKSON. I second the motion.

Senator MUNDT. You have heard the motion made and seconded. Is there any discussion?

Senator DIRKSEN. Mr. Chairman, I am not disposed to discuss it. I just want to see the regularity preserved. The question is, does this special subcommittee have any authority over the matter? We have completely immobilized the regular committee by suspending all of its operations. This committee was convened for a very specific purpose: To conduct these investigations.

I simply remind the committee that we have immobilized ourselves and can do no regular business until this investigation has been concluded. If the Senator from Illinois is wrong, he wants to be so advised by the Chair.

Senator SYMINGTON. Mr. Chairman, I will say this: Regardless of any technical details about committees or committee functions, this matter has come up in these hearings. It was not advanced by any member of the committee, to the best of my knowledge, unless it was the chairman himself, of the permanent committee.

I say without any reservation that regardless of any technicalities, if there are one-hundred-thirty-some Communists in defense plants of the United States, every day that they are there they are a menace to the security of the United States.

I believe that the Department of Defense, under General Eisenhower, would throw them out immediately if they got the names of them, and my motion stands.

Senator McCARTHY. Mr. Chairman——

Senator MUNDT. Senator McCarthy?

Senator McCARTHY. No. 1, I have no objection at all to giving any information we have about Communists to the Department of Defense. No. 2, I know that they already have it. I would like to point out to Senator Symington an example of the situation we run into. It isn't a case of lack of information on the part of the Department. Take for example in the Printing Office. We found the FBI had given 40 different reports to the Security Board of the Government Printing Office in regard to a man who was accused by FBI informants of stealing secrets, of being a top Communist. I was questioning the loyalty board why they kept him on handling secret material in view of the 40 different FBI informants who were willing to testify as to his Communist activities. The answer was, "It wasn't our practice to call anyone to give derogatory information."

Senator SYMINGTON. Will the Senator yield just a minute? I yielded to him a minute ago.

Senator McCARTHY. May I finish, sir? It is not a question of the security officers, not having information. We have every reason to believe they have all the information that we have, and more. However, if there is any question about that, anyone from the Defense Department, any one of their security officers can come over

and sit down with our staff any time of the day or night and get all of the information they want.

I would like to make this motion, if I may.

Senator MUNDT. We have one motion before us.

Senator McCARTHY. A substitute motion, Mr. Chairman. I assume that this has been transformed now from the special committee into our regular subcommittee.

Senator MUNDT. The Chair does not believe he could entertain a motion from the Senator from Wisconsin because the only committee convened here is the special investigating committee of which the Senator from Wisconsin is not a member.

Senator McCARTHY. May I say, Mr. Chairman, if the Senator from Missouri is making a motion as to what the regular investigating committee will do, in view of the fact that all of us are present, would you mind if we just transformed ourselves into a meeting of that committee so I can make a—will the Chair do this for me to avoid—

Senator MUNDT. May the Chair say this, which may solve the problem?

Senator McCARTHY. To avoid the technicality, will the Chair do this? Will the Chair make the substitute motion for me that the regular investigating committee be allowed to start to hold public hearings on Communists in defense plants at any time that this committee is not sitting? That would be on any evening, any Saturday, not any Sunday of course. If we could do that we can get rid of a lot of work while this committee is in progress. I make that motion very seriously, Mr. Chairman, because it appears now that we will be going on here for weeks, maybe months, and I frankly feel the only way we can get rid of those Communists in defense plants is to publicly expose them. We have gotten rid of a sizeable number in that fashion in the past. If this is not a meeting of the regular investigating committee, then if the Chair would make that motion for the special committee, so I can start holding public hearings in the evenings and at the convenience of the Senators on this committee.

Senator MUNDT. The Chair would like to remind all of his colleagues that we are meeting here as a special investigating committee, of which the Senator from Idaho is a member and of which the Senator from Wisconsin is not. The Chair also recognizes that we have no jurisdiction whatsoever over any of the files or records possessed by the regular investigating subcommittee. The Chair was about to say that he is calling an executive committee meeting for another purpose, which he will announce shortly, at 9:30 tomorrow morning in room 357. He believes at that time all of the individuals who are now here will be there then, and we might better reassemble ourselves temporarily, if it is desirable, as a regular subcommittee and make what motions can be made at that time. He doesn't see how we can very well wear two hats in a situation of this kind. So if you would all be willing to hold your motions in abeyance—

Senator SYMINGTON. Mr. Chairman, I am worried about these Communists in defense plants, and I mean it. I would like to have my motion voted on tonight unless you think it is wrong.

Senator MUNDT. We are willing to vote on it. I simply point out we have no jurisdiction of any kind over the files because these 130 names are not in the possession of our special investigating committee.

Senator JACKSON. Mr. Chairman, might I just point out that this matter of the 135 Communists is before this committee inasmuch as it has come up in connection with testimony and statements made from time to time over a long period of time. It would seem, therefore, that this committee certainly has the right to insist that that information relating to the 135 Communists be properly disposed of. I think this committee has jurisdiction by reason of what has occurred in these hearings. It has been brought into the hearings, and if this committee is impotent to act on matters that are brought into the hearings, then we are wasting a lot of time.

Senator MUNDT. The only difficulty, Senator Jackson, is that we are talking about a list of names which is not in the possession of this committee.

Senator JACKSON. Then why don't we simply——

Senator MUNDT. May the Chair say he is 100 percent in agreement with the idea of making positive that the Defense Department and the FBI have the list of names. He believes the proper way to do it is to do it by a motion made in the regular committee of which Senator McCarthy is chairman, and which the Chair will be happy to make tomorrow morning; or, if your motion will read that you recommend that that be done, I would certainly say it is an appropriate motion.

The Chair is willing to vote for it anyhow, but simply points out——

Senator SYMINGTON. I would be glad to modify it if you think that is the proper way to do it. I modify it in accordance with your suggestion.

Senator MUNDT. The motion is made and seconded, then, that this special subcommittee recommend to our regular investigating subcommittee that these names be turned over to the Defense Department.

Senator SYMINGTON. To the Secretary of Defense.

Senator MUNDT. Senator McCarthy?

Senator MCCARTHY. I don't feel too deeply in need of the advice of the Senator from Missouri at this time on the question of exposing Communists. He came back on the committee after discussing with the Army—not the Army, but with Mr. Stevens and Mr. Adams—the possibility of stalling our investigation of the loyalty board which had been clearing Communists. I don't know what prompted him to come back. I am sure he didn't come back for the purpose of immobilizing the committee. The result has been that the committee has been immobilized. I have been trying to get back to our work as quickly as we can. I am not impressed, Senator Symington, with this great, sudden show of interest you have in Communist infiltration after you got through making a speech yesterday that you thought that the people who gave us the information about these Communists should go to jail.

Yesterday you had a different hat on. Yesterday you thought the people who give us the information about these Communists violated the law and have been guilty of some crime. You were warning them over television not to give us information.

Tonight, suddenly you have a great concern about this. May I say, I don't need the advice of the Senator from Missouri. This special subcommittee can pass whatever resolution they want to advising me.

I want them to know that it is unnecessary; that every piece of information we have is now, always has been available to the FBI. There is nothing secret insofar as the Defense Department is concerned about the Communists in defense plants. Vote whatever you want on that.

Senator SYMINGTON. Mr. Chairman, I rise to a point of personal privilege.

Senator MUNDT. Senator Symington.

Senator SYMINGTON. I did not discuss blocking any Communist investigation with Secretary Stevens or Mr. Adams. I believe that anybody who tried to block a Communist investigation would be a poor American, and I certainly have no desire to be that. The Secretary of the Army, with the Chief of Staff of the Army, Mr. Stevens and General Ridgway, came to my office to see me, and during the discussion they told me that the testimony and the way that General Zwicker was being treated, was very damaging to the morale of the Army to the point that they were very worried about it.

That is what Secretary Stevens told me. The next day, or the day after that, I was leaving for Europe with Senator Bridges, and so I told Secretary Stevens that I would do my best to block any further testimony of Army witnesses until I came back. I was biased for the United States Army, I will always be biased for the United States Army. When, as a member of the Armed Services Committee, the Secretary of the Army with a great general comes to me and says that the way this committee is operating tends to destroy the morale of this Army, I have been around the world enough and enough times to know that that is a serious matter from the standpoint of the security of the United States, and I did my best to stop any investigation of the Army until I got back from that trip.

If that is wrong, I accept it. I would do it again. I believe in the United States Army.

Now, there is one question I would like to ask. What I said yesterday had to do with confidential information that came from informants, and I would like to know now if the 133 names came from the confidential files of any Government agency to this committee from informants comparable to the young Army intelligence officer we have been told gave the letter purported to be signed by Mr. Hoover to this committee.

Senator McCARTHY. Would you like an answer to that, Senator?

Senator SYMINGTON. I would like to have you answer it, Senator McCarthy, I would like it very much because it disturbs me very much from the standpoint of security.

Senator McCARTHY. I will give you the answer. Tonight you are very disturbed about the one hundred and thirty-odd Communists in defense plants. Last night you were advising people not to give me information about those Communists. I can tell you now that the information in regard to those one hundred and thirty-odd Communists did come to us in a number of instances from confidential informants, the kind of people whom you say should be jailed for giving us the information.

Senator SYMINGTON. I am only referring to secret documents, Senator. May I ask if any of the information came in secret documents?

Senator McCARTHY. You may ask.

Senator SYMINGTON. Well, I appreciate the courtesy of the Senator from Wisconsin, and I would like to get him on the record right now. Is he going to take the 133 names of these Communists and in the interest of the national security in this age of total peril against Soviet communism give them tonight to the Secretary of Defense or is he going to hold them until these hearings are over?

Senator McCARTHY. The Senator should not ask such a silly question. The Senator knows that the security officers who are charged with the security of these plants, as far as we know, have all the information which we have—may I have the Senator's attention?

Senator SYMINGTON. I am sorry. I was talking to my counsel. I am not sorry. I will state a fact.

Senator McCARTHY. Let me answer the Senator's question. The Senator says will we give the Defense Department the information about the one hundred and thirty-odd Communists. I want to tell the Senator, as far as we know the security officers have all the information which we have and more. However, if anyone from the Defense Department wants to come over and talk to members of my staff who are not immobilized in this hearing, they can do so. I will not order Mr. Cohn who has been testifying all day long, to spend his nights with the Defense Department or anyone else. I will not order anyone else who is immobilized by this hearing. But we do have sufficient staff, I believe, so that if anyone from the Defense Department wants to come over and sit down with them, they may do that.

I sincerely hope that my good friend from Missouri, now that he learns the importance of these Communists in defense plants, might advise the American people that they should disregard the advice he gave them last night to keep information about Communists secret.

Senator MUNDT. Are you ready to vote? Those in favor say aye. Contrary, no.

It is carried unanimously.

Mr. Welch, you have what remains of your 10 minutes.

Mr. WELCH. Well, I think it pretty well disappeared. I think my next question now, in view of the vote, would be: What time is it, Mr. Chairman?

Senator MUNDT. The counsel advised me, or the timekeeper, that your time has expired.

The Chair has two announcements to make. No. 1, so that I will not have to meet all of the press immediately after this meeting, in response to the question raised by Senator McCarthy, whether I will call Senator Flanders as a witness before this committee, may the Chair say that he is not going to call Senator Flanders or any of the other people of whom there are several who are commenting about these hearings on a day-to-day basis.

The Chair would like to add to that that, of course, if Senator Flanders has any information which is pertinent to this investigation, he or any other Senator will be welcomed as a witness before the committee, and all witnesses before this committee must testify under oath.

Senator McCARTHY. Could I have the Chair's attention?

I did not ask the Chair to call him as a witness. I asked if the Chair would phone him, call him up and ask if he has information, and if he has, I think he should volunteer to come. I realize you can't subpoena him.

Senator MUNDT. The Chair believes this blanket announcement will go for Senator Flanders and the 85 other Members of the Senate. Any of them are welcome to testify before this committee any time they have important information to provide and if they testify, they will testify under oath as other witnesses.

The second announcement is that at 9:30 tomorrow morning in room 357 we will have an executive session of the committee primarily to discuss a request presented in an open letter to this committee by Struve Hensel requesting that the hearings that we held among ourselves, and the conversations of our executive session of May 17 be released to the public.

We will take it up at 9:30 in the morning. Anything in addition, Senator Jackson?

Go ahead.

Senator JACKSON. Yes, and I believe that there should be made available to the committee only, members of this committee, the type-written copies of hearings held in executive sessions in connection with the interrogation of witnesses.

Senator MUNDT. We are also going to discuss whether we should have a change in our rules about the executive testimony. Up to now the Chair is operating under instructions from his committee to keep the stenographic notes locked up in his safe, which he has done.

Senator JACKSON suggests maybe we would like to have them typed up and to be made available to all committee members. We will discuss that also at the meeting tomorrow morning.

Senator McCLELLAN. Is it not correct, Mr. Chairman, that two witnesses have received copies of their testimony?

Senator MUNDT. Correct; on motion made by the committee. Mr. Joseph Alsop and General Lawton have received copies of their testimony.

Senator McCLELLAN. May I inquire, Mr. Chairman, if other witnesses have requested copies of their testimony?

Senator MUNDT. The only other witnesses who have requested it are those who appeared in conjunction with an overall meeting of the committee where we have to have some special rule to apply to it.

Senator McCLELLAN. I just want us to have a uniform rule.

Senator JACKSON. May I say, Mr. Chairman, I don't have any particular desire to look at any particular testimony. It is only that the members of this committee are charged with knowledge of the testimony taken in executive session and it is not possible for all of us to be at those sessions. I think all of us have a heavy enough responsibility without being put in the position where we might be charged with knowledge of something we don't have anything about.

Senator MUNDT. The Chair is operating under the motion which now obtains. We will stand in recess until 10 o'clock tomorrow morning.

(Whereupon, at 5:55 p. m., the committee was recessed, to reconvene at 10 a. m. the following day, Thursday, June 3, 1954.)

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